

Resolution requesting an exemption on the sale of tobacco moratorium at 1873 Madison Avenue

WHEREAS, on February 23, 2021, the Council of the City of Memphis approved a resolution for a 273-day moratorium on the issuance of permits for tobacco shops, head shops, smoke shops, and vape shops; and

WHEREAS, as approved the resolution also requested that the Division of Planning and Development (“dpd”) study the health, safety, welfare and secondary effects on schools, school-aged children and adjacent residential neighborhoods; it is understood that the study is underway pursuant to the request by the Memphis City Council; and

WHEREAS, the resolution further provided that exemptions be handled on a case-by-case basis through the adoption of exemption resolutions by the Memphis City Council”; and

WHEREAS, Mr. Marvin Roddy of “After Burner Cigar Lounge” seeks an exemption based on several factors including: the owner has owned this building since 1989; has invested expended thousands of dollars on the design, architecture, and build-out; he has also budgeted over \$300,000 for ventilation and additional construction; and

WHEREAS, Mr. Marvin Roddy of “After Burner Cigar Lounge” asserts that this business’ operations strictly comply with all local, state and federal regulations regarding the storage.

NOW, THEREFORE, BE IT RESOLVED that the owner, Mr. Marvin Roddy, of “After Burner Cigar Lounge” respectfully requests an exemption from the 273-day moratorium on the issuance of permits for tobacco shops, head shops, smoke shops and vape shops and request the Memphis City Council to allow Mr. Marvin Roddy to fully open and operate as “After Burner Cigar Lounge” at 1873 Madison, Memphis, Tennessee 38104 effective upon approval of this resolution.

Sponsor
Ford Canale

Chairman
Frank Colvett

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/19/2021

DATE

PUBLIC SESSION: 10/19/2021

DATE

ITEM (CHECK ONE)

☐ ORDINANCE ☐ CONDEMNATIONS ☐ GRANT ACCEPTANCE / AMENDMENT
☒ RESOLUTION ☐ GRANT APPLICATION ☒ REQUEST FOR PUBLIC HEARING
OTHER: _____

ITEM DESCRIPTION: A resolution approving an industrial planned development

CASE NUMBER: PD 21-17

DEVELOPMENT: Murray Farms Planned Development

LOCATION: Northwest corner of Apping City Cove and Murray Farms Road

COUNCIL DISTRICTS: District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Tennessee Westminster Corporation

REPRESENTATIVE: Homer Branan – Farris Bobango Branan PLC

EXISTING ZONING: Conservation Agriculture (CA) and Floodway (FW)

REQUEST: Industrial planned development

AREA: +/-104.75 acres

RECOMMENDATION: The Division of Planning and Development recommended *Rejection*
The Land Use Control Board recommended *Rejection*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set public hearing date for – October 19, 2021

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
07/08/2021 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

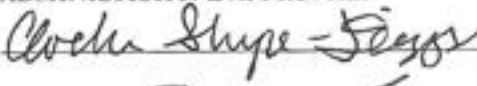
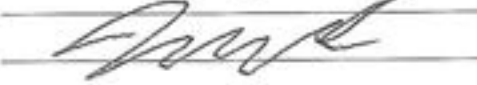
FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	9/3/2021	MUNICIPAL PLANNER
	Sept 3 2021	DEPUTY ADMINISTRATOR
		ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPTROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN

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DATE

POSITION

MUNICIPAL PLANNER

DEPUTY ADMINISTRATOR

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN

RESOLUTION APPROVING THE MURRAY FARMS PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT THE NORTHWEST CORNER OF APPLING CITY COVE AND MURRAY FARMS ROAD, KNOWN AS CASE NUMBER PD 21-17.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the Tennessee Westminster Corporation filed an application with the Memphis and Shelby County Division of Planning and Development to allow an industrial planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement

OUTLINE PLAN CONDITIONS

I. Uses Permitted:

- A. Any office, warehouse and distribution, or commercial use permitted by right or administrative site plan review in the Employment (EMP) District.
- B. The following uses shall be prohibited:
 - 1. Bar, tavern, cocktail lounge, nightclub
 - 2. Adult-oriented establishment
 - 3. Convenience store with or without gas pumps
 - 4. Payday loans, title loan, flexible loan plan establishments
 - 5. Pawnshop
 - 6. Tattoo, palmist, psychic, or medium
 - 7. Truck stop, tractor-trailer (fueling of)
 - 8. Recreation field with lights
 - 9. Indoor shooting range
 - 10. Multi-modal facility
 - 11. Human or pet crematorium
 - 12. Outdoor recreation (as classified in the UDC)
 - 13. Lumberyard and wood products
 - 14. Vapor shop
 - 15. Vehicle parts and accessories
 - 16. Hourly rate hotel or motels

II. Bulk Regulations:

- A. Office and commercial uses shall conform with the bulk regulations of Commercial Mixed-Use – 1 (CMU-1) District, with the following exceptions:
 - 1. Maximum ground floor area of 25,000 square feet.
- B. Industrial uses shall conform the bulk regulations of the EMP District, with the following exceptions:
 - 1. Maximum building height of 40 feet.

III. Access, Circulation and Parking:

- A. The developer shall provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- C. The developer shall dedicate Murray Farms Road as a major collector street with sixty-eight (68) feet of right-of-way and construct the full width of Murray Farms Road from Appling Farms

Parkway to the western most point within the maximum allowed cul-de-sac length established by the UDC.

- D. The developer shall align Murray Farms Road with the current alignment of the built section of Murray Farms Road.
- E. No access shall be permitted into adjacent residential developments.
- F. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- G. All public street improvements shall be in accordance with the UDC.
- H. All gated entrances shall meet the requirements of the UDC.
- I. Parking shall be in accordance with the EMP requirements of the UDC.

IV. Landscaping, Lighting and Screening:

- A. Buildings with metal and concrete block exteriors shall be prohibited.
- B. Murray Farms Road frontage and the frontage along any internal collector streets shall be landscaped with the S-10 Streetscape Plate.
- C. Provide a thirty (30) foot minimum natural buffer augmented as needed with evergreens to provide an opaque buffer north of the overhead transmission lines including a six (6) foot high sight proof fence along the south side of the buffer.
- D. Provide a one hundred and fifty (150) foot minimum natural buffer along the north and east lines of the Hillshire subdivision phases G & F.
- E. Landscaping along any interior public street or private drive shall conform with the requirements of the UDC.
- F. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires.
- G. Refuse containers shall be completely screened from view from adjacent properties.
- H. Heating and air conditioning or any other equipment shall be screened from view using landscaping, fencing, or in the case of roof-mounted equipment, using a parapet or other architectural feature.
- I. Equivalent landscaping may be substituted for the above, subject to the approval of the Division of Planning and Development.
- J. All lighting shall not glare onto any adjacent property uses for residential purposes. Parking lot light standards shall be a maximum of twenty-five (25) feet in height. All fixtures on the side of the buildings that are adjacent to residential shall be full cutoff type.

V. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm

water detention facilities.

- C. This site is located within the boundary of the Fletcher Creek Drainage Basin and is required by ordinance to provide on-site detention of storm water runoff that considers both the 10- and 25-year, 24-hour storm. The applicant should be aware that the ordinance requires that development in this area provide no net loss of flood plain storage as shown on the 2013 FEMA Flood Hazard Boundary Maps.

VI. Signs:

- A. The sign requirements of the EMP District shall apply.
- B. Portable signs, temporary signs, and off-premise signs shall be prohibited.
- C. One monument-style sign is permitted at the intersection of Murray Farms Road and Appling City Cove. The entrance monument may be a maximum of 20 feet in height.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.

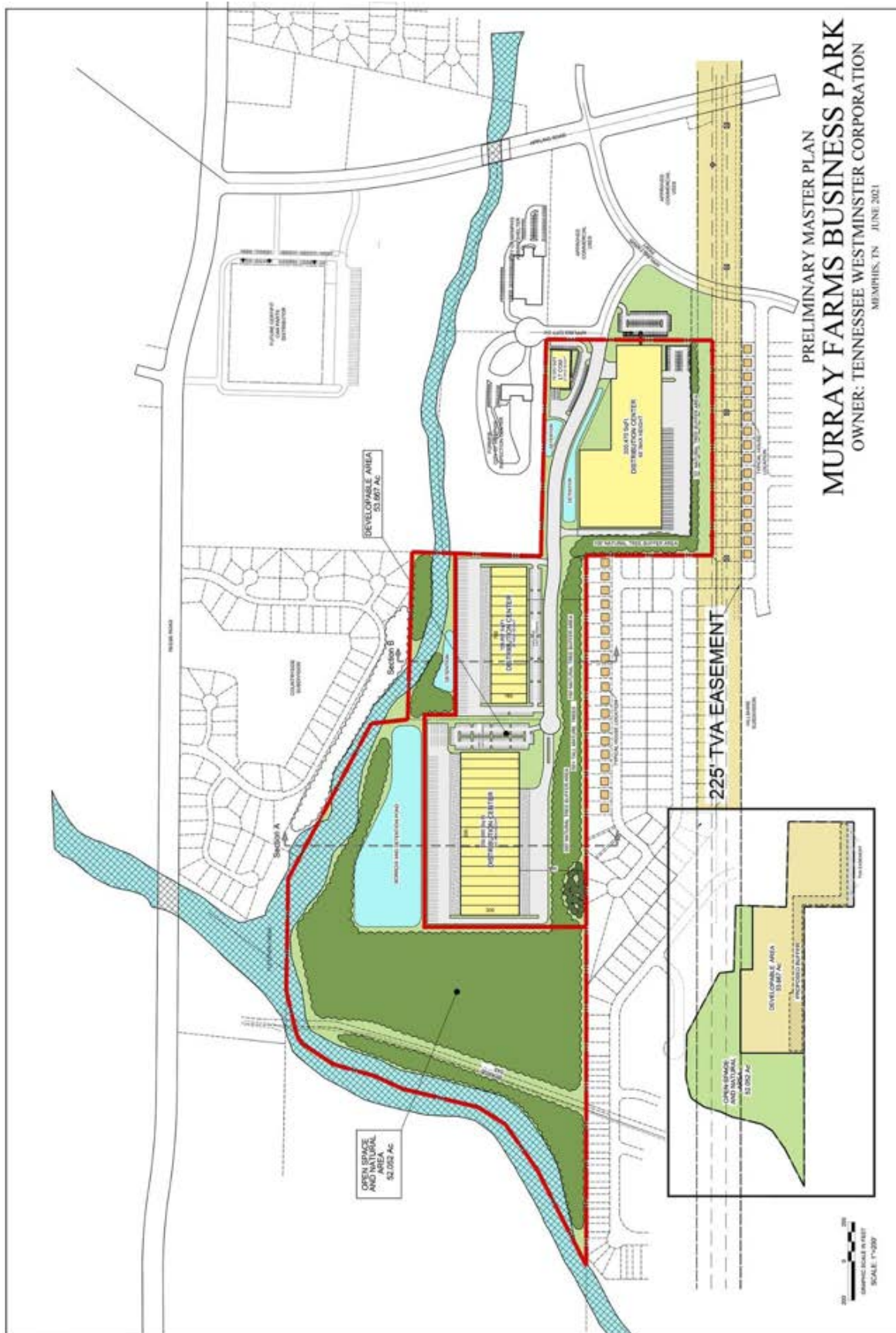
VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- F. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

- X. The consent of succeeding owners of any lots shall not be required to make amendments to the planned development. All property owners within the planned development shall be notified by mail of any proposed amendment.

CONCEPT PLAN



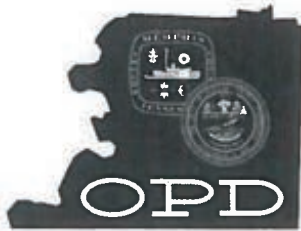


Memphis City Council Summary Sheet

PD 21-17 – Murray Farms Planned Development

Resolution requesting an industrial planned development at northwest corner of Appling City Cove and Murray Farms Road:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant: Tennessee Westminster Corporation; and Representative(s): Homer Branan – Farris Bobango Branan PLC; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: May 6, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Murray Farms Business Park Planned Development

Property Owner of Record: Tennessee Westminster Corporation Phone #: 901-857-3220

Mailing Address: 5583 Murray Road, Suite 209 City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: robertmurray901@outlook.com

Applicant: SAME Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E- Mail Address: _____

Representative: Homer Branan - Farris Bobango Branan PLC Phone #: 901-259-7100

Mailing Address: 999 S. Shady Grove Road, Ste. 500 City/State: Memphis, TN Zip 38120

Representative E-Mail Address: hbranan@farris-law.com

Engineer/Surveyor: The Reaves Firm, Inc. - Mike Davis, R.L.A. Phone # 901-761-2016

Mailing Address: 6800 Poplar Avenue, Suite 101 City/State: Memphis, TN Zip 38138

Engineer/Surveyor E-Mail Address: mdavis@reavesfirm.com

Street Address Location: northwest corner of Appling City Cove and Murray Farms Road

Distance to nearest intersecting street: west of Appling City Cove

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>106 (+/-) acres</u>	_____	_____
Existing Zoning:	<u>CA & FW*</u>	_____	_____
Existing Use of Property	<u>vacant</u>	_____	_____
Requested Use of Property	<u>EMP</u>	_____	_____

*The Floodway designation on the Zoning Map is based on the FEMA map dated 9-27-2007. FEMA map was revised on 2-6-2013 but the Zoning Map hasn't been updated to match. During pre-application conference, staff agreed the intent is for zoning to follow the updated FEMA map.

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: NA Bedrooms: NA

Expected Appraised Value per Unit: NA or Total Project: NA

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No X _____

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

This property is adjacent to residential land, but we are providing ample buffers to screen the proposed development. The majority of the surrounding property is already developed. The undeveloped portion is near Appling Road and already in an approved Planned Development.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

All utilities are existing on or near this property. We understand the requirements of being in the Fletcher Creek drainage basin and also the sanitary sewer storage requirements.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The drives, buildings, parking areas and lighting will be designed to have minimal affect on the surrounding properties. We are proposing landscape buffers much larger than required to help accomplish this.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The adjacent subdivisions to the south and north were developed in 1973 and 1993 respectively. This property is heavily impacted by Fletcher Creek and a tributary, so has remained undeveloped. The proximity to the interstate makes EMP a good use for this land.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

Understood.

- Lots of records are created with the recording of a planned development final plan.

Understood.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: April 22, 2021 with Chip Saliba

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Tennessee Westminster Corporation
by Robert Murray 5/5/21
Property Owner of Record

Date

Applicant

Robert Murray 5/5/21
Date

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: **Planned Development**

Record Status: **Assignment**

Opened Date: **May 6, 2021**

Record Number: **PD 2021-017**

Expiration Date:

Record Name: **Murray Farms Business Park**

Description of Work: **106 acres emp pd**

Parent Record Number:

Address: **0 Butterfly DR, TN**

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	Murray Farms Business park	, TN	

Parcel Information

Parcel No:
091025 00015

Contact Information

Name	Organization Name	Contact Type	Phone
	Tennessee Westminster Corp	Applicant	(901) 857-3220

Suffix:

Address

Data Fields**PREAPPLICATION MEETING**

Preapplication Meeting	No
Date of Meeting	-
Name of OPD Planner	-

GENERAL PROJECT INFORMATION

Planned Development Type	New
Previous Case Numbers	-
Description and Justification for Request	see attached doc
Medical Overlay / Uptown	No
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-

APPROVAL CRITERIA

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County. (UDC Sub-Section 4.10.3A)	see attached doc
An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development. (UDC Sub-Section 4.10.3B)	see attached doc
The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses(see UDC Sub-Section 4.10.3C)	see attached doc
Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest. (UDC Sub-Section 4.10.3D)	see attached doc
Homeowners' associations or some other responsible party shall be required to maintain	-

any and all common open space and/or common elements. (UDC Sub-Section 4.10.3E)

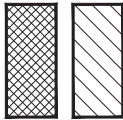
Lots of records are created with the recording of a planned development final plan. (UDC Sub-Section 4.10.3F)

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GIS INFORMATION

Case Layer	SUP_1989-234, UV07-13
Central Business Improvement District	No
Class	C
Downtown Fire District	No
Historic District	-
Land Use	COMMERCIAL
Municipality	MEMPHIS
Overlay/Special Purpose District	Fletcher Creek Overlay
Zoning	CA
State Route	1
Lot	-
Subdivision	-
Planned Development District	-

LEGEND

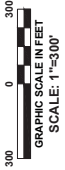
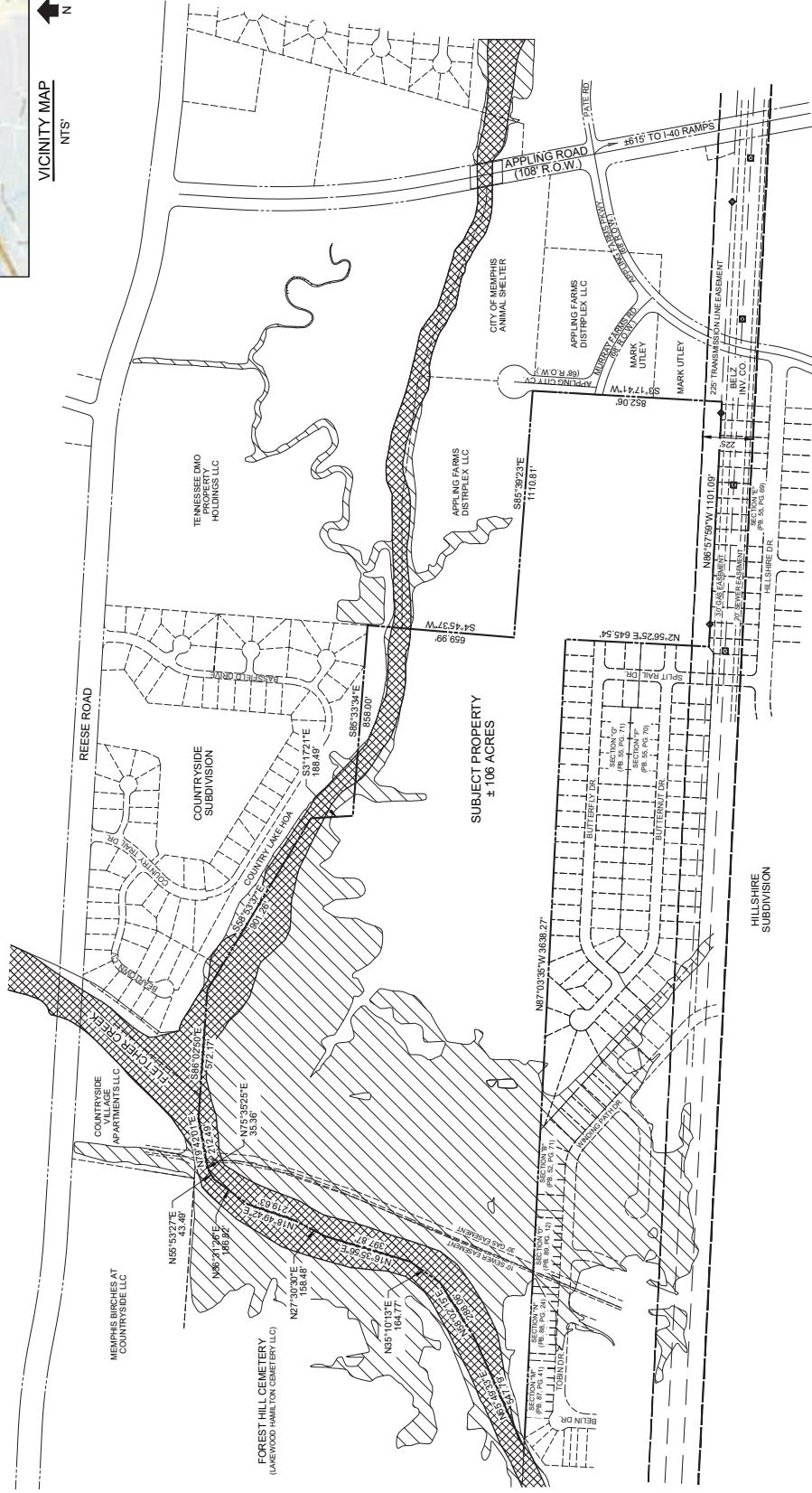


FEMA DESIGNATED FLOODWAY (AREA NOT TO BE FILLED)
THIS PROPERTY CONTAINS APPROXIMATELY 8.8 ACRES WITHIN THE FLOODWAY

FEMA DESIGNATED 100-YEAR FLOODPLAIN (ZONE AE WITH BASE FLOOD ELEVATIONS)
(THIS PROPERTY CONTAINS APPROXIMATELY 39.1 ACRES WITHIN THE 100-YEAR FLOODPLAIN EXCLUSIVE OF AREAS WITHIN THE FLOODWAY)
PERMISSION REQUIRED TO FILL IN 100-YEAR FLOODPLAIN



VICINITY MAP
NTS'

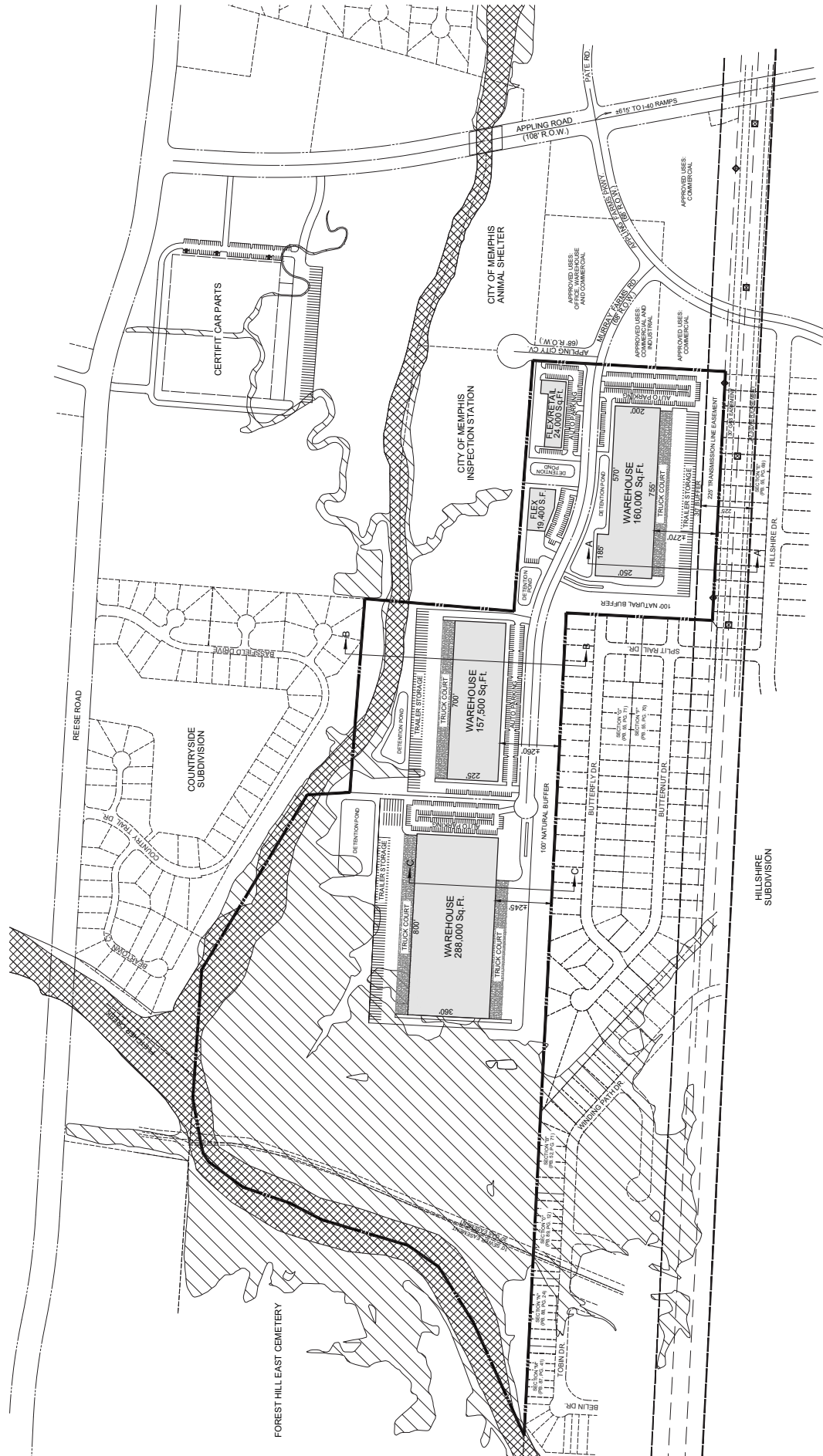


OUTLINE PLAN



MURRAY FARMS BUSINESS PARK P.D.

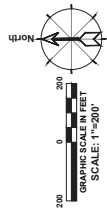
CASE NUMBER: PD 21-		MEMPHIS, TENNESSEE	
NUMBER OF LOTS: N/A	± 106 ACRES	PARCEL 065300 00313	
ENGINEER:		THE REAVES FIRM	
DEVELOPER:		TENNESSEE WESTMINSTER CORPORATION	
100-YEAR FLOOD ELEV. VARIES		FEMA MAP PANEL NO. 0304G	
MAY, 2021		FEMA MAP DATE: FEB. 6, 2013	
		SCALE: 1"=300'	
		SHEET 1 OF 1	





LEGEND

-  FEMA DESIGNATED FLOODWAY (AREA NOT TO BE FILLED)
THIS PROPERTY CONTAINS APPROXIMATELY 3.8 ACRES WITHIN THE FLOODWAY
-  FEMA DESIGNATED 100-YEAR FLOODPLAIN (ZONE AE WITH BASE FLOOD ELEVATIONS)
(THIS FLOODPLAIN EXCLUDES AREAS WITHIN THE 100-YEAR FLOODPLAIN EXCLUSIVE OF AREAS WITHIN THE FLOODWAY)
PERMISSION REQUIRED TO FILL IN 100-YEAR FLOODPLAIN



CONCEPT PLAN

MURRAY FARMS BUSINESS PARK

OWNER: TENNESSEE WESTMINSTER CORPORATION

MEMPHIS, TN MAY 2021

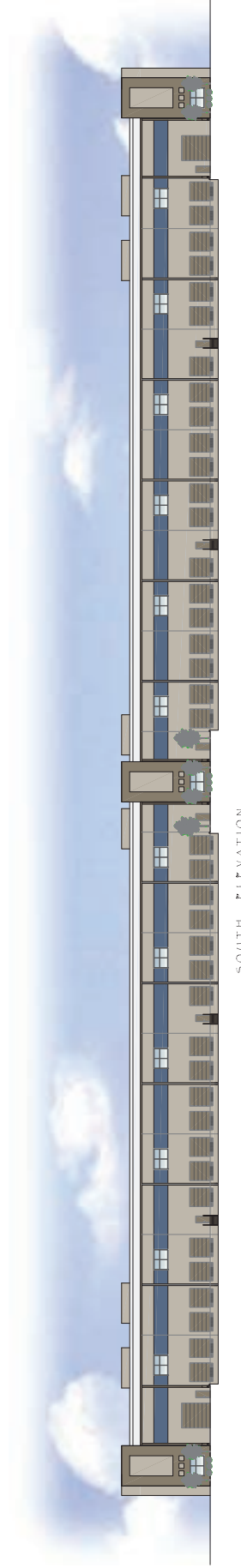


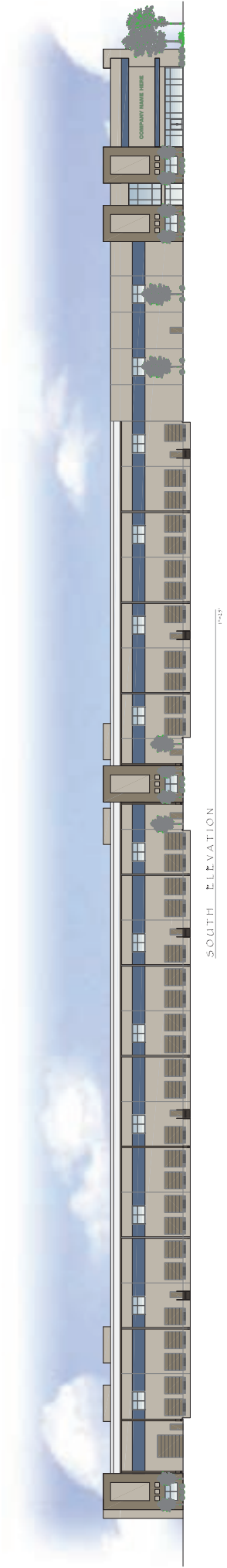
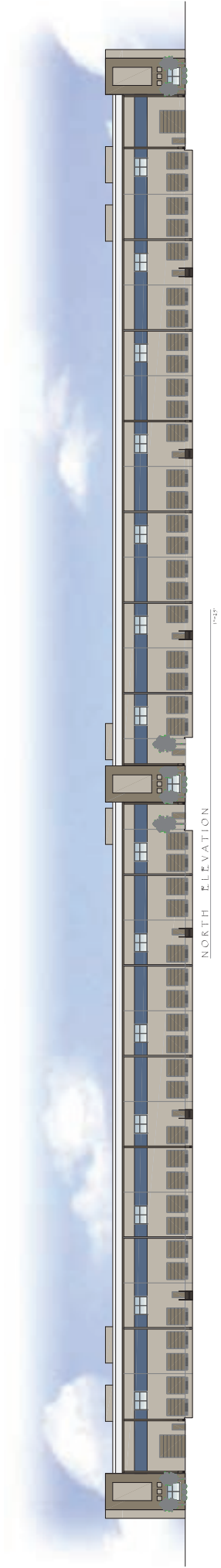
AERIAL PLAN

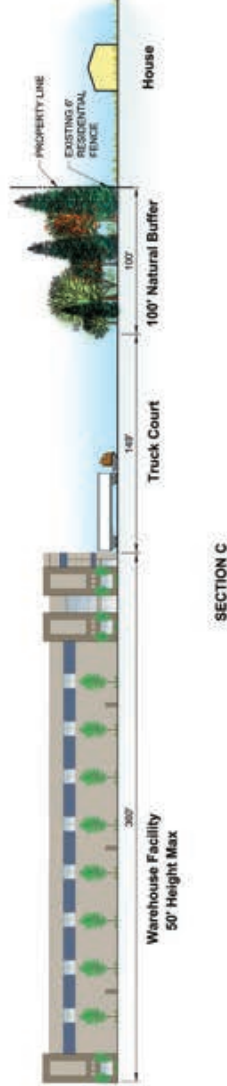
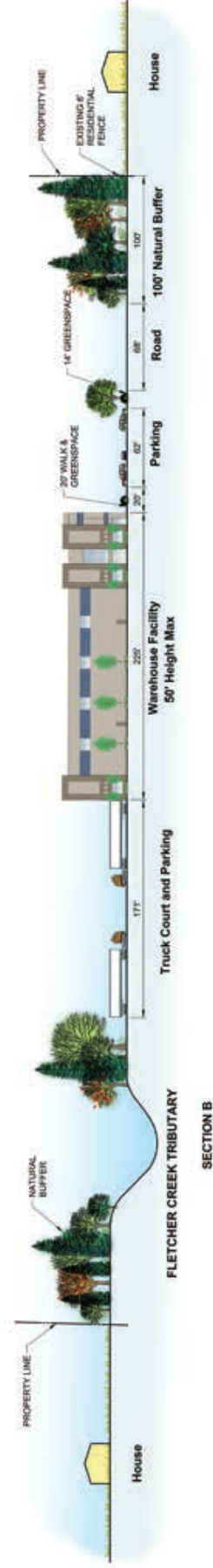
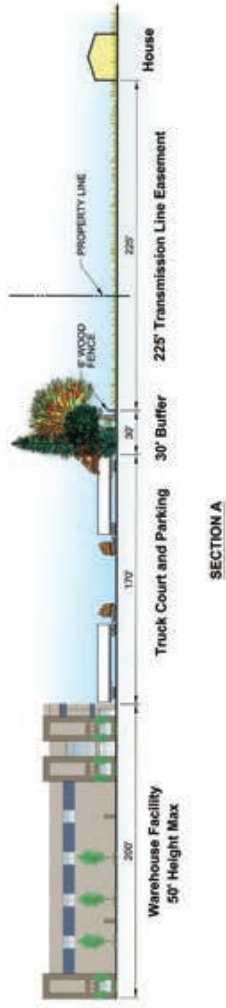
MURRAY FARMS BUSINESS PARK

OWNER: TENNESSEE WESTMINSTER CORPORATION

MEMPHIS, TN MAY 2021







CROSS SECTIONS ADJACENT TO RESIDENTIAL

MURRAY FARMS BUSINESS PARK

OWNER: TENNESSEE WESTMINSTER CORPORATION
MEMPHIS, TN MAY 2021

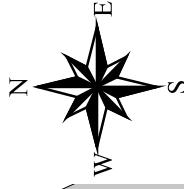
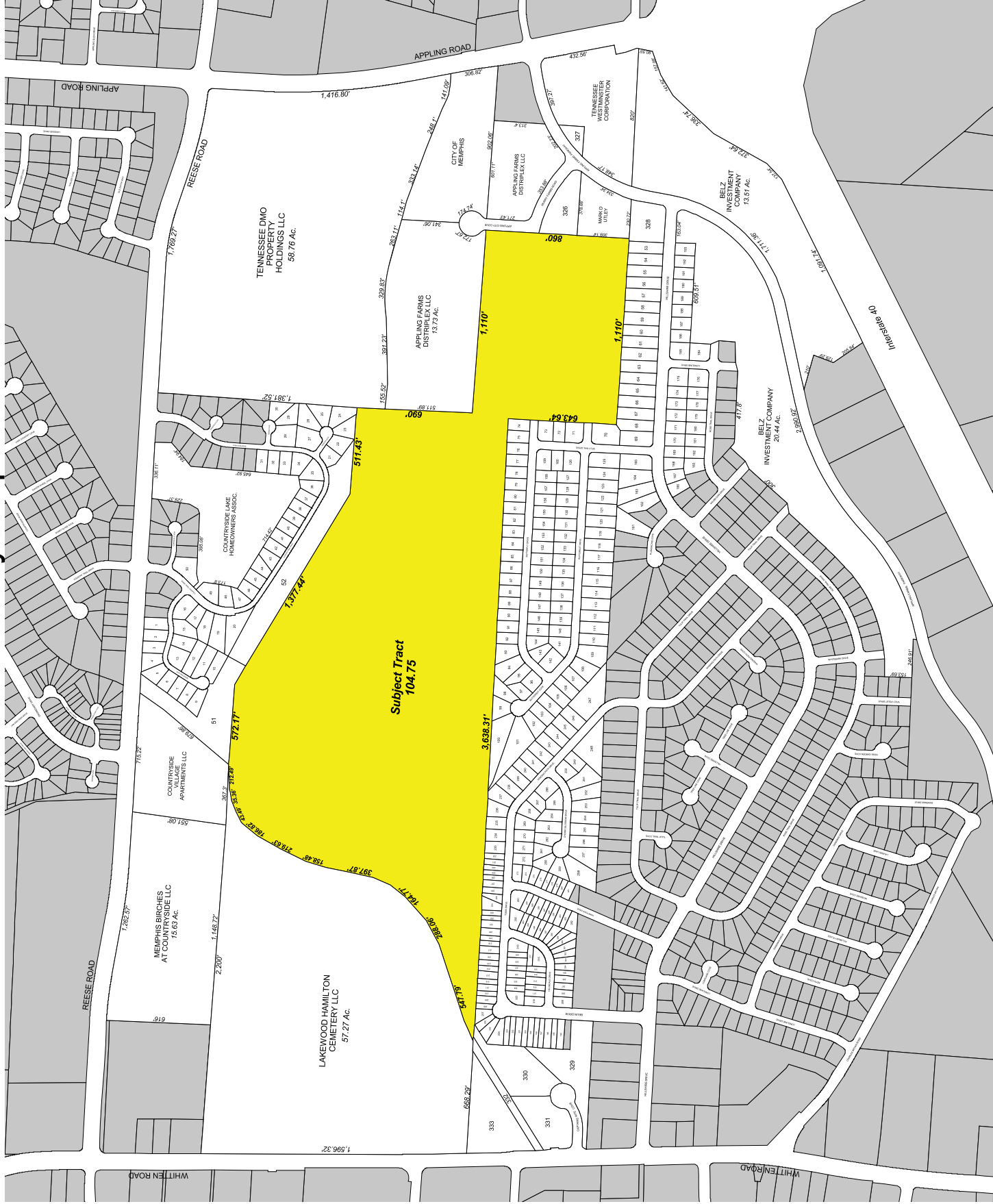
PROPERTY DESCRIPTION

BEING THE TENNESSEE WESTMINSTER CORPORATION PROPERTY OF RECORD IN INSTRUMENT NUMBER 02222459 AT THE SHELBY COUNTY, TENNESSEE REGISTER'S OFFICE, LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 480, SECTION 'G' HILLSHIRE SUBDIVISION (PB. 55, PG. 71), THENCE N87°03'35"W ALONG THE NORTH LINE OF SAID SECTION 'G' HILLSHIRE SUBDIVISION, SECTION 'B' HILLSHIRE SUBDIVISION (PB. 52, PG. 71), SECTION 'O' HILLSHIRE SUBDIVISION (PB. 89, PG. 12), SECTION 'N' HILLSHIRE SUBDIVISION (PB. 88, PG. 24), AND SECTION 'M' HILLSHIRE SUBDIVISION (PB. 87, PG. 41) A DISTANCE OF 3638.27 FEET TO A POINT AT THE SOUTHEAST CORNER OF THE LAKEWOOD/HAMILTON CEMETERY LLC PROPERTY (INST. 11100874), AND ALSO BEING THE APPROXIMATE CENTERLINE OF FLETCHER CREEK; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES: N65°49'33"E A DISTANCE OF 547.79 FEET TO A POINT; THENCE N58°02'15"E A DISTANCE OF 288.06 FEET TO A POINT; THENCE N35°10'13"E A DISTANCE OF 164.77 FEET TO A POINT; THENCE N16°35'56"E A DISTANCE OF 397.87 FEET TO A POINT; THENCE N27°30'30"E A DISTANCE OF 158.48 FEET TO A POINT; THENCE N18°49'42"E A DISTANCE OF 219.63 FEET TO A POINT; THENCE N36°31'26"E A DISTANCE OF 186.82 FEET TO A POINT; THENCE N55°53'27"E A DISTANCE OF 43.49 FEET TO A POINT; THENCE N75°35'25"E A DISTANCE OF 35.36 FEET TO A POINT; THENCE N79°42'01"E A DISTANCE OF 212.49 FEET TO A POINT; THENCE S86°02'50"E A DISTANCE OF 572.17 FEET TO A POINT; THENCE S58°53'37"E A DISTANCE OF 901.26 FEET TO A POINT; THENCE S3°17'21"E A DISTANCE OF 188.49 FEET TO A POINT; THENCE S85°33'34"E A DISTANCE OF 858.00 FEET TO A POINT AT THE SOUTHEAST CORNER OF LOT 54, FINAL PLAT PHASE 1 AND 2, COUNTRYSIDE SUBDIVISION, FIRST ADDITION (PB. 141, PG. 11); THENCE S4°45'37"W A DISTANCE OF 659.99 FEET TO A POINT; THENCE S85°39'23"E A DISTANCE OF 1110.81 FEET TO A POINT ON THE WEST LINE OF APPLING CITY COVE; THENCE S3°17'41"W A DISTANCE OF 852.06 FEET TO A POINT ON THE NORTH LINE OF APPLING FARMS BUSINESS PARK PD PHASE 2 (PB. 226, PG. 29); THENCE ALONG SAID NORTH LINE, AND THE NORTH LINE OF LOTS 348 TO LOT 333, SECTION 'E' HILLSHIRE SUBDIVISION (PB. 55, PG. 69) N86°57'59"W A DISTANCE OF 1101.09 FEET TO AN ANGLE POINT AT A NORTH CORNER OF SAID LOT 333, SAID POINT BEING ON THE EAST LINE OF LOT 390, SECTION 'F' HILLSHIRE SUBDIVISION ; THENCE ALONG THE EAST LINE OF SAID SECTION 'F', HILLSHIRE SUBDIVISION AND SAID SECTION 'G' HILLSHIRE SUBDIVISION, N2°56'25"E A DISTANCE OF 645.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 4,604,834 SQUARE FEET OR 105.71 ACRES.

[illegible]

Vicinity Map



Date: 02/15/21
Prepared By:
Property Research Data
PRD Job #21-012

800 0 800 1600 2400 Feet

Lot #	Owners Name
1	Estrano Miriam
2	Garcia Carlos & Liliana
3	Koon Daniel A & Melanie M
4	Herber Ronald M & Petra G
5	Sevilla Ana M
6	Nance Gerald K Jr & Barbara
7	Dearing Michael E & Andrea S
8	Lovett James C Jr & Darla R
9	KI & KV LLC
10	Sanders Annie
11	Gonzalez Lauriano M & Marisela O
12	Glenn Tamara
13	Casares Carmen
14	Mcrae Stephen D & Bonnie J
15	CSMA BLT LLC
16	Winning Properties LLC
17	SRMZ 2 LLC
18	Vann Tina M
19	Joyner Lucas V & Ty'nessiah L
20	Parker Sylvester Jr.
21	Lopez Mauricio
22	Jackson Clarke Kyla A
23	Heath Thomas E
24	Wring Real Estate LLC
25	Harris Roxanne
26	Norfleet Taurus A
27	Turner Lynda J
28	Franklin Charles C
29	Granstaff John R
30	Harvell James M
31	Murley Wayne & Virginia K
32	Estevanott Naishla
33	Bruce William T
34	Hunter Jeffery
35	Rose David M & Michele L
36	Panyanouvong Phongsak & Khamphath P
37	Jones Alfred D & Peggy D
38	Roberts Michael
39	Elder Wanda D
40	OCG Acquisitions GP
41	Wall Patty C
42	Arc Rental MSR I LLC
43	Hill Gabriel D Testamentary Trust
44	Meehan Michael And Barbara McDaniel
45	Maness Welch Marital Trust
46	Watts Brian M & Kimberlee L
47	Young Carolyn S
48	Ray David T
49	Shadowens Lamont W Jr.
50	Brown Stephanie N

Lot #	Owners Name
51	Countryside Lake Homeowners Assoc.
52	Countryside Lake Homeowners Assoc.
53	Bullard Jessica And William A Bullard
54	Retirement Realty LLC Series C
55	Gales Ana M & Virgil
56	W TN Holdings LLC
57	Angelaras Michael & Susan
58	Chapman Bobby M
59	Quinones Vincente & Concepcion
60	Mabry Marie A
61	Horton Billy J & Kathryn M
62	Ramirez Oscar & Martha
63	Gill Danny R And Raines M Gill III (RS)
64	Contreras Horacio & Sandra Orta
65	Moffat Lisa
66	Sure Thing Builders LP
67	Jobbins Michael L & Betty M
68	Jacobi David M And Sherry L Price
69	Waller Albert B & Virginia D
70	Lebel Susan F
71	Hoffmeier Loran N & Rose M Living Trust
72	Rodney Katherine E
73	Frausto Betty
74	Sullins Thomas K
75	Butterfly Drive Trust
76	Reven Housing Tennessee LLC
77	Maronda Chad & Kimberly
78	Stanley William R Jr & Lisa M
79	Fong Wanda
80	Liles Garry S & Monica M
81	FKH SFR Propco B HLD LP
82	Boyd Gerald W & Melinda J
83	Webb Ronald L
84	Mueller Susan M
85	Lucas Jerry Jr & Beverly B
86	White John D & Angela S
87	Chesteen Gary R & Kimberly
88	Magana Felipe R
89	Wilkerson Terry
90	Hall Catherine
91	Lord Sarah M H
92	Kimbrell Clinton W & Donna
93	Ferie Roberto V
94	Gil Ibel L & Vivian P Martinez
95	Miller Donald W & Kristina J
96	Villafana Felipe & Olga L Flores
97	Holderfield Larry A
98	Camarillo Marco A A & Elisa M Sanchez
99	Lucio Rojelio II & Damita S
100	Ramirez Ruben And Sonia Mendoza

Lot #	Owners Name
101	Espinoza Gisbely & Cesar O Cabrera
102	Vanloon Michelle & Charlie
103	Summers Valerie
104	Frye William T & Susan E
105	Harvey Debra D
106	Kidd Margaret
107	Allen Weinburg & Joetta B
108	Home SFR Borrower IV LLC
109	Al-Rufaie Nazik M
110	Dearing Loren D And Brenda Elliott
111	Singh Mangal And Amarjit S Bola (RS)
112	Reaves Lloyd E & Assunta
113	Stephens Colby And Kimberly Steele (RS)
114	Rodriguez Gregoria
115	Sage Jaime P
116	Emens James E Sr & Deborah S
117	Morton Randal L And Henrietta B Smith
118	Thomas Justin W & Keyla Espinosa Cruz
119	Delaney Diana
120	Shelton Rodney D & Shelia L
121	Shreevesw Sharon E & Richard M
122	Jerkins Ronald And Sara Jerkins
123	Beaudry Mary S
124	Millan Jose L M & Veyca A
125	Jack Douglas M Trust
126	Pacheco Esteban
127	Whitman Edward C & Deborah K
128	St Clair Alphonso & Toxis R
129	Fuller William S & Carin M
130	Coscia Carolyn
131	Sanchez Octavio
132	Mohammed Saad A
133	Cano Hector & Liliana Hernandez
134	Houseal Charles W & Deborah J
135	Zhu Vincent W
136	Serna Manuel
137	Memphis Butter LLC
138	Pointer Miranda S
139	Rumsey Joe & Carme
140	Linan Sandra
141	VOA Property Corp of Louisville Inc.
142	Jinkerson Jeremy & Elizabeth
143	Vargas Family Trust
144	Divjak Ronald & Sally
145	Salas Anselmo And Anthonio Salas
146	Yamasa Company Ltd.
147	Star Holdings LLC
148	Lopez Jose J & Martha A
149	Oliphant Calvin & Brigitte
150	Cid Yaret A

Lot #	Owners Name
151	Moore Delisha
152	Ericson Robert H & Sharon S
153	Lapka Galen G
154	Aycock Warren & Vicky
155	Tankersley Julian Jr & Yvonne
156	Jackson Elizabeth A And Steve Whitmore
157	Shah Arpit And Hemal Ghelani
158	Arellano Veyca And Jose L Miranda
159	Yang Shu C
160	Leath Robert C Jr.
161	Noble Family Trust
162	Teal Amy C
163	Hendricks Properties LLC
164	Morales Juan M & Ma Felipa L Ramirez
165	Castelan Ariel & Sara
166	Kozlowski Matthew J
167	Hernandez Selvin A
168	Gibbs Rochelle
169	Dong Xian Q
170	Stafford Jerry L & Vickie C
171	Torkelson Carla F
172	Hester James R
173	Morales Rigoberto And Dora M Ortiz-Parga
174	Albin Rebecca D
175	Hamm Arthur B & Hiroko
176	Fumich James C & Ada D
177	Lee Gerald M
178	Cooper Evelyn
179	SFR Capital Midwest LLC
180	Oneal Alvin Jr.
181	RTK Properties LLC
182	Lugo Juan
183	BAF 1 LLC
184	Gordon Michael U
185	Taylor Cynthia
186	Collazo Brenda L
187	Summers Paul W II And Elizabeth N Applin
188	Beard Robert W & Kristina
189	Walker Gary R & Charity F
190	Gorrell Evelyn A
191	R & S Properties LLC
192	Alizadegan Reza
193	CGW Enterprises LLC
194	Ream Shanna
195	Landrum Gary L
196	Maier Donna
197	Norman Justin
198	Johnson Karen E
199	Bailey Darrell L
200	Alliance RE Holdings LLC

Lot #	Owners Name
201	Langlois Cynthia M
202	Lawson Investments LLC
203	Lawson Gerald D
204	Lau Jacky & Chang-Xiu Zheng
205	Parmenter Gary L
206	Retirement Realty LLC Series D
207	Walton Family Revocable Living Trust
208	S & G Realty LLC
209	Jennings Debra J
210	Westbury Joseph L Jr.
211	Bosin Slava
212	Mcintyre Judith B
213	Hammons Larry
214	Dong Xian Q
215	Hill Kerry L
216	Kindig James C Sr.
217	Your Dynasty Investment Solutions LLC
218	Baltz Daniel & Joan
219	Reven Housing Funding 2 LLC
220	Reven Housing Funding 2 LLC
221	Applegate Jesse A
222	Briggs Arnold
223	Bosin Slava
224	S & G Realty LLC
225	Eldridge Dorothy J (Estate Of)
226	Hearn James & Tina
227	Folkes Perry M & Rebecca A
228	Ainsworth Allison
229	Turner Geneva T
230	Thomas Angela & Nathan
231	Finger Holly J
232	Zhou Calvin Yucheng
233	Sturdivant Terrace E & Linda S
234	Moskowitz Jay And Azura Bazari
235	Smith Austin C & Brandi E
236	Nagoski Andre & Mary A
237	Zhang Zhen
238	Lam Vivian
239	Eggert Jimmie R
240	Macedo Norma A And Daisy C Depaz
241	Ross Diane
242	Fahr William M
243	Soto Christian R
244	Sanchez Cristian A & Eliani D P Machado
245	Brewer Arque
246	Fitzgerald Peter G
247	Goldstar Homes LLC
248	Fahr William M III
249	R & S Properties LLC
250	TN Winding Path 83 Trust

Lot #	Owners Name
251	Faust Doris L
252	Hernandez Joe J & Alma
253	Harmon James T Jr & Jerlene W
254	Flores Jesus V
255	Zhao Liang
256	Mata Sergio P & Marisol R Arellano
257	Triggs Marvin J
258	CSMA BLT LLC
259	Shah Rajiv And Krutika Shah
260	Rodriguez Eric
261	Parsons Clovis D & Rebecca
262	Peete Marshall
263	Goldline Properties LLC
264	Prince Robert M & Faith J
265	Venkateswaran Family Revocable Trust
266	Our LLC
267	Wolf River Investments
268	Champagne Properties LLC
269	Morgan William L
270	Quigley Michael J & Mary P
271	Goldstar Homes LLC
272	Wolf River Investments
273	Gray Lionel M
274	McIlwee Jay S And Robin P McIlwee
275	Johnson Mildred M
276	Cunningham Craig M
277	Chang Christine
278	Lawson Wade E
279	Opfer Robert V & Catherine M
280	S & G Realty LLC
281	Daly Barry F & Alice M
282	Ellis William & Natalie
283	Klink Howard
284	Emetz Holdings LLC
285	Hodgdon Kimberly A And Jonathan L
286	Cornell Mikaela J
287	Abdallat Mohammad F
288	Cairncross Deborah L
289	Wing Martha H
290	Jaimez Artemio
291	Jaimez Artemio
292	AR Investments 2020 LLC
293	Holcomb Robert W & Esther
294	Taylor Leslie
295	Clay Victoria
296	Ticer Glenda J
297	Alarcon Hernando
298	Faisal Allison & Mohammad
299	Hoover Natalie & Dustin
300	Thompson Mindy H

Lot #	Owners Name
301	Bandy Glenn C & Linda C
302	Broome Edgar J & Gloria B
303	Zarate Epifanio H
304	Ramirez Francisco B & Ramona Barron
305	White Merdis
306	Kopelman David H
307	Reven Housing Funding 2 LLC
308	Hearn James & Tina
309	Gray Barbara L
310	Zhang Qing
311	Buyer Matthew G
312	Franklin Tyler Investment Properties LLC
313	Retirement Realty LLC Series B
314	Reven Housing Funding 2 LLC
315	Lawson Investments LLC
316	Pendley Stephen
317	Zamarripa Thomas K
318	Six Nine Three Nine Tobin Drive Trust
319	James Casandra D And Cody Rushing (RS)
320	Hardwick Myra J Living Trust
321	Ramirez Oscar O & Martha L
322	Dickerson-Carlock Frances
323	Ballard Evell F
324	Wicke Jeanette L Declaration Of Trust
325	Romero Graciela
326	Utley Mark D
327	Tennessee Westminster Corporation
328	Belz Investment Company
329	Tonys Construction Company (DBA)
330	Cabrera Antonio
331	Duchess Properties GP
332	Shelby County Tax Sale
333	Marshall Scott & Marcia A

Abdallat Mohammad F
6523 Deermont Drive
Bartlett, TN 38134-3844

Ainsworth Allison
6978 Tobin Drive
Memphis, TN 38133-6124

Alarcon Hernando
6939 Hillindale Drive
Memphis, TN 38133-6117

Albin Rebecca D
7271 Hillshire Drive
Memphis, TN 38133-6136

Alizadegan Reza
3694 Elba Cove
Bartlett, TN 38133-0910

Allen Weinburg & Joetta B
7105 Butternut Drive
Memphis, TN 38133

Alliance Re Holdings LLC
P O Box 928769
San Diego, CA 92192-8769

Al-Rufaie Nazik M
2095 Exeter Road, Ste. 80-246
Germantown, TN 38138

Angelaras Michael & Susan
29-28 165th Street
Flushing, NY 11358-1432

Applegate Jesse A
1405 N. Collierville Arlington Road
Eads, TN 38028

Appling Farms Distriplex LLC
4728 Spottswood Avenue, Ste. 207
Memphis, TN 38117-4817

AR Investments 2020 LLC
1910 Madison Avenue, Ste. 2191
Memphis, TN 38104-2620

Arc Rental MSR I LLC
150 Greenwich Street, 51st Floor
New York, NY 10007-2445

Arellano Veyca And Jose L Miranda
7217 Butterfly Drive
Memphis, TN 38133-6152

Aycock Warren & Vicky
3251 Wortham Road
Millington, TN 38053-7435

BAF 1 LLC
5001 Plaza On The Lake, Ste. 200
Austin, TX 78746-1053

Bailey Darrell L
3703 Haynes Road
Memphis, TN 38133

Ballard Evell F
6919 Tobin Drive
Memphis, TN 38133

Baltz Daniel & Joan
288 Licaria Road
Ozark, MO 65721-7965

Bandy Glenn C & Linda C
6931 Hillindale Drive
Memphis, TN 38133-6117

Beard Robert W & Kristina
9756 Green Spruce Drive
Lakeland, TN 38002-8079

Beaudry Mary S
7213 Butternut Drive
Memphis, TN 38133-6153

Belz Investment Company
P O Box 3661
Memphis, TN 38173

Bosin Slava
P O Box 771496
Memphis, TN 38177-1496

Boyd Gerald W & Melinda J
367 Sherburne Cove
Cordova, TN 38018-7320

Brewer Arque
2555 Poplar Avenue
Memphis, TN 38112-3822

Briggs Arnold
10981 Macon Street
Eads, TN 38028-6900

Broome Edgar J & Gloria B
6929 Hillindale Drive
Memphis, TN 38133-6117

Brown Stephanie N
7155 Coffeerville Cove
Memphis, TN 38133-

Bruce William T
2453 Bassfield Drive
Memphis, TN 38133-4888

Bullard Jessica And William A Bullard
7356 Hillshire Drive
Bartlett, TN 38133-6150

Butterfly Drive Trust
P O Box 4575
Cordova, TN 38088-4500

Buyer Matthew G
1900 Thorncroft Drive
Germantown, TN 38138-3018

Cabrera Antonio
2414 Pate Road
Memphis, TN 38133-5194

Cairncross Deborah L
2289 Hometown Drive
Memphis, TN 38133-7066

Camarillo Marco A A & Elisa M Sanchez
7084 Butternut Cove
Memphis, TN 38133-6103

Cano Hector & Liliana Hernandez
7176 Butternut Drive
Bartlett, TN 38133-6140

Casares Carmen
2775 Sage Meadow Drive
Memphis, TN 38133-8136

Castelan Ariel & Sara
2356 Penbrook Fairway
Cordova, TN 38016

CGW Enterprises LLC
3464 Evening Light
Memphis, TN 38134

Champagne Properties LLC
1615 S. Rancho Santa Fe Road, Ste. D1
San Marcos, CA 92078

Chang Christine
2290 Hometown Drive
Memphis, TN 38133-7065

Chapman Bobby M
7322 Hillshire Drive
Memphis, TN 38133-6150

Chesteen Gary R & Kimberly
7156 Butterfly Drive
Memphis, TN 38133-6142

Cid Yaret A
7161 Butterfly Drive
Memphis, TN 38133-6143

City Of Memphis
125 N. Main Street
Memphis, TN 38103

Clay Victoria
6943 Hillindale Drive
Memphis, TN 38133-6117

Collazo Brenda L
7303 Hillshire Drive
Memphis, TN 38133-6100

Contreras Horacio & Sandra Orta
7780 Wolfden Circle
Memphis, TN 38133-8171

Cooper Evelyn
7264 Rose Trail Drive
Memphis, TN 38133-6106

Cornell Mikaela J
2283 Hometown Drive
Memphis, TN 38133

Coscia Carolyn
7196 Butternut Drive
Memphis, TN 38133-6140

Countryside Lake Homeowners Assoc.,
P O Box 34471
Memphis, TN 38184

Countryside Village Apartments LLC
3989 S. 900, Ste. 100
Salt Lake City, UT 84124-1000

CSMA BLT LLC
1850 Parkway Place, Ste. 900
Marietta, GA 30067-8261

Cunningham Craig M
2294 Hometown Drive
Memphis, TN 38133-7065

Daly Barry F & Alice M
2276 Hometown Drive
Memphis, TN 38133-7065

Dearing Loren D And Brenda Elliott
7121 Butternut Drive
Memphis, TN 38133-6141

Dearing Michael E & Andrea S
7080 Beartown Cove
Memphis, TN 38133-4882

Delaney Diana
15 The Ridge
Plandome, NY 11030-1422

Dickerson-Carlock Frances
6923 Tobin Drive
Memphis, TN 38133-6109

Divjak Ronald & Sally
1324 Eldorado Way
Lafayette, CO 80026-9040

Dong Xian Q
7004 Brady Hill Drive
Cordova, TN 38018-2883

Duchess Properties GP
2264 Whitten Road
Memphis, TN 38133

Eggert Jimmie R
2304 Winding Path Drive
Memphis, TN 38133-6129

Elder Wanda D
2408 Country Trail Drive
Memphis, TN 38133-4893

Eldridge Dorothy J (Estate Of)
5909 Polk Street
Arlington, TN 38002-9300

Ellis William & Natalie
208 N. Howard Street
Fenton, MI 48430-2195

Emens James E Sr & Deborah S
7163 Butternut Drive
Memphis, TN 38133-6141

Emetz Holdings LLC
2965 N. Germantown Road, Ste. 128
Memphis, TN 38133-4055

Ericson Robert H & Sharon S
7175 Butterfly Drive
Memphis, TN 38133-6143

Espinoza Gisbely & Cesar O Cabrera
7075 Butternut Cove
Bartlett, TN 38133-6103

Estevanott Naishla
2461 Bassfield Drive
Memphis, TN 38133

Estrano Miriam
8142 Meadow Glen Drive
Germantown, TN 38138-6110

Fahr William M
2345 Clay Pond Drive
Oakland, TN 38060

Fahr William M III
5779 Hayes Road
Arlington, TN 38002-9310

Faisal Allison & Mohammad
6937 Hillindale Drive
Memphis, TN 38133

Faust Doris L
7031 Cherry Blossom Drive
Memphis, TN 38133-6101

Ferie Roberto V
7116 Butterfly Drive
Memphis, TN 38133-6142

Finger Holly J
6988 Tobin Drive
Bartlett, TN 38133-6124

Fitzgerald Peter G
2262 Winding Path Drive
Memphis, TN 38133-6129

FKH SFR Propco B HLD LP
1850 Parkway Place, Ste. 900
Marietta, GA 30067-8261

Flores Jesus V
7015 Cherry Blossom Drive
Memphis, TN 38113

Folkes Perry M & Rebecca A
6974 Tobin Drive
Memphis, TN 38133-6124

Fong Wanda
7212 Butterfly Drive
Memphis, TN 38133-6142

Franklin Charles C
2456 Bassfield Drive
Memphis, TN 38133-8811

Franklin Tyler Investment Properties LLC
4287 Harrison Boulevard, Ste. 155
Ogden, UT 84403-3101

Frausto Betty
1607 Benik Road
La Habra Heights, CA 90631

Frye William T & Susan E
7091 Butternut Cove
Memphis, TN 38133-6103

Fuller William S & Carin M
7204 Butternut Drive
Memphis, TN 38133-6151

Fumich James C & Ada D
7278 Rose Trail Drive
Memphis, TN 38133-6106

Gales Ana M & Virgil
7342 Hillshire Drive
Memphis, TN 38133-6150

Garcia Carlos & Liliana
7112 Beartown Cove
Memphis, TN 38133-4882

Gibbs Rochelle
7225 Hillshire Drive
Memphis, TN 38133

Gil Ibel L & Vivian P Martinez
7110 Butterfly Drive
Memphis, TN 38133-6142

Gill Danny R And Raines M Gill III (RS)
1190 Dogwood Lake Cove
Collierville, TN 38017-3248

Glenn Tamara
7079 Beartown Cove
Memphis, TN 38133

Goldline Properties LLC
276 S. Front Street
Memphis, TN 38103-3816

Goldstar Homes LLC
3840 Winchester Road
Memphis, TN 38118-6045

Gonzalez Lauriano M & Marisela O
7073 Beartown Cove
Memphis, TN 38133-4882

Gordon Michael U
7294 Rose Trail Drive
Memphis, TN 38133-6108

Gorrell Evelyn A
7333 Hillshire Drive
Memphis, TN 38133-6100

Granstaff John R
7241 Derma Cove
Memphis, TN 38133

Gray Barbara L
7183 Hillshire Drive
Memphis, TN 38133-6134

Gray Lionel M
2304 Hometown Drive
Memphis, TN 38133-7065

Hall Catherine
7134 Butterfly Drive
Memphis, TN 38133-6142

Hamm Arthur B & Hiroko
7279 Hillshire Drive
Memphis, TN 38133-6136

Hammons Larry
7010 Jaunita Cove
Memphis, TN 38133-4874

Hardwick Myra J Living Trust
6931 Tobin Drive
Memphis, TN 38133-6109

Harmon James T Jr & Jerlene W
95 Woodland Trace
Southaven, MS 38672-8708

Harris Roxanne
7242 Wesson Cove
Memphis, TN 38133-4885

Harvell James M
7245 Derma Cove
Memphis, TN 38133-4884

Harvey Debra D
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Memphis, TN 38133-6103

Hearn James & Tina
9756 Green Spruce Drive
Lakeland, TN 38002-8079

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7237 Wesson Cove
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Hendricks Properties LLC
2206 Deodara Cove
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Herber Ronald M & Petra G
7098 Beartown Cove
Memphis, TN 38133-4882

Hernandez Joe J & Alma
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Memphis, TN 38133-6101

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7219 Hillshire Drive
Memphis, TN 38133

Hester James R
7257 Hillshire Drive
Memphis, TN 38133-6136

Hill Gabriel D Testamentary Trust
4536 Drummonds Road
Drummonds, TN 38023-6808

Hill Kerry L
6928 Tobin Drive
Memphis, TN 38133-6124

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Memphis, TN 38133-7046

Johnson Mildred M
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2394 Country Trail Drive
Memphis, TN 38133-4892

Joyner Lucas V & Ty'nessiah L
2489 Country Trail Drive
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KI & KV LLC
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Memphis, TN 38133-6131

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7204 Butterfly Drive
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Linan Sandra
7126 Butternut Drive
Memphis, TN 38133-6140

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7147 Butterfly Drive
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2375 Country Trail Drive
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Lord Sarah M H
7128 Butterfly Drive
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Memphis, TN 38133-6142

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Maness Welch Marital Trust
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Memphis, TN 38133-4893

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7226 Butterfly Drive
Memphis, TN 38133-6142

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Memphis, TN 38133-4882

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2745 Park Crest Cove
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Pacheco Esteban
7226 Butternut Drive
Bartlett, TN 38133-6151

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Memphis, TN 38133

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Quigley Michael J & Mary P
7009 Tobin Drive
Memphis, TN 38133-6147

Quinones Vincente & Concepcion
7314 Hillshire Drive
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6925 Hillindale Drive
Memphis, TN 38133-6117

Ramirez Oscar & Martha
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Memphis, TN 38133

Ramirez Oscar O & Martha L
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Retirement Realty LLC Series B
5909 Polk Street
Arlington, TN 38002-9300

Retirement Realty LLC Series C
5909 Polk Street
Arlington, TN 38002-9300

Retirement Realty LLC Series D
5909 Polk Street
Arlington, TN 38002-9300

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La Jolla, CA 92037-4264

Reven Housing Tennessee LLC
P O Box 1459
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2698 Laurelcrest Cove
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2376 Country Trail Drive
Memphis, TN 38133-4892

Ross Diane
2292 Winding Path Drive
Memphis, TN 38133-6129

RTK Properties LLC
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7134 Butternut Drive
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7067 Beartown Cove
Memphis, TN 38133-

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7154 Butternut Drive
Memphis, TN 38133-6140

Sevilla Ana M
7092 Beartown Cove
Memphis, TN 38134

SFR Capital Midwest LLC
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Memphis, TN 38132-2128

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2498 Country Trail Drive
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Shah Rajiv And Krutika Shah
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7199 Butternut Drive
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Singh Mangal And Amarjit S Bola (RS)
7129 Butternut Drive
Memphis, TN 38133

Six Nine Three Nine Tobin Drive Trust
237 17th Street
Paso Robles, CA 93446-2019

Smith Austin C & Brandi E
7010 Tobin Drive
Memphis, TN 38133-6125

Soto Christian R
2280 Winding Path Drive
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SRMZ 2 LLC
5001 Plaza On The Lake, Ste. 200
Austin, TX 78746-1053

St Clair Alphonso & Toxis R
7210 Butternut Drive
Memphis, TN 38133-6151

Stafford Jerry L & Vickie C
7243 Hillshire Drive
Memphis, TN 38133-6136

Stanley William R Jr & Lisa M
7218 Butterfly Drive
Memphis, TN 38133-6142

Star Holdings LLC
142 W. End Avenue, Apt. 29N
New York, NY 10023-6123

Stephens Colby And Kimberly Steele (RS)
7143 Butternut Drive
Memphis, TN 38133-6141

Sturdivant Terrace E & Linda S
6996 Tobin Drive
Memphis, TN 38133-6124

Sullins Thomas K
7246 Butterfly Drive
Memphis, TN 38133-6142

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Summers Valerie
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Memphis, TN 38133

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7295 Hillshire Drive
Memphis, TN 38133-6100

Taylor Leslie
6945 Hillindale Drive
Memphis, TN 38133-6117

Teal Amy C
7210 Hillshire Drive
Memphis, TN 38133-6119

Tennessee DMO Property Holdings LLC
3170 S. 900 West
Salt Lake City, UT 84119

Tennessee Westminster Corporation
5583 Murray Road
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6984 Tobin Drive
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7177 Butternut Drive
Memphis, TN 38133-6141

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6933 Hillindale Drive
Memphis, TN 38133-6117

Ticer Glenda J
6941 Hillindale Drive
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TN Winding Path 83 Trust
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Georgetown, TX 78628-1188

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Super District 9-2
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Councilman Dr. Jeff Warren
Memphis City Council
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Councilwoman Rhonda Logan
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May 5, 2021

Josh Whitehead, Zoning Administrator
Memphis and Shelby County Division of Planning and Development
City Hall
125 N. Main Street, Suite 476
Memphis, TN 38103

Re: Murray Farms Business Park Planned Development
Letter of Intent

Dear Josh:

We represent Tennessee Westminster Corporation, Robert and Ian Murray, in an application for a Planned Development to establish a business park and employment center on property located off Murray Farms Road northwest of Appling City Cove and west and south of the old City of Memphis inspection station and City of Memphis animal shelter. The vacant 106-acre property has been owned by the Murray family for over 50 years and was once part of a larger tract that included the present-day Forest Hill East Cemetery.

The subject property is surrounded by a variety of uses including big box retail/commercial development (Great American Home Store, Main Event, Carvana, etc.) 1200 lineal feet to the south in the Appling Farms Centre, commercially zoned land on adjacent property to the east, the Old City of Memphis Car inspection station and current animal shelter to the northeast, a cemetery to the west and single-family uses to the south and north. A Certifit car parts distribution facility will soon begin construction on contiguous property at the southwest corner of Appling and Reese. The abandoned city inspection station has been purchased by a private developer and is likely to be developed as flex light industrial uses.

The property is currently zoned CA (conservation agriculture) and FW (floodway) and is adversely encumbered by several physical factors including a large electric transmission easement, the Fletcher Creek flood plain and limited visibility from public view. Approximately 46 of the 106 total site acres fall within the 100-year flood plain and are essentially undevelopable. While the site is bordered on two sides by existing single-family residential uses, no residential developers have ever shown interest in the property. Residential development in the area ceased a number of years ago and moved further to the north and eastern portions of the county. Most of the nearby residential construction occurred in the 1970's through the early 1990's. Since then, development in the Appling/Whitten/I-40 area has been limited to commercial and light industrial uses.



Given the inherent physical challenges with the site and the market trends for this area of Memphis over the last decade, we believe a business park is the highest and best use for the property. The property is strategically located just off the Appling Road/Interstate 40 interchange, giving it excellent access to all parts of Memphis and Shelby County. JLL, the real estate company handling the sale of the property, estimates full project buildout for a business park scenario could result in 200-400 new jobs and a much needed seventy-five-million-dollar capital infusion into the northeast Memphis business submarket. A significant tax revenue uptick would be realized by both Memphis and Shelby County.

While a business park typically has a low impact on surrounding properties, the applicants are acutely aware of their responsibility to visually buffer the adjacent uses from the proposed development. A 100' wide area of mature trees will be retained along the common property line with the neighborhood to the south. Further east, where the common line with the neighborhood falls within the electric transmission easement, a 30' wide area of mature trees will be retained along the electric transmission easement line and supplemented with an opaque fence and new evergreen plantings. Along the north line of the development, a large, wooded buffer will be retained on both sides of Fletcher Creek to screen the proposed uses from the adjacent residential neighborhood. Outdoor lighting within the development will be controlled to eliminate point brightness and light spillage on to adjacent properties.

Exterior building materials will be predominately tilt-up concrete panels popular in most modern business centers with tasteful accents and muted colors. Loading areas will be properly screened and each site will be properly landscaped in accordance with the Memphis and Shelby County Unified Development Code.

The applicant as mentioned above is represented by the undersigned of Farris Bobango Branan Law Firm and Mike Davis of The Reaves Firm.

We respectfully request your favorable consideration, and if you have any questions or suggestions, please do not hesitate to contact us at your earliest convenience.

Yours very truly,

FARRIS BOBANGO & BRANAN PLC



Homer B. Branan, III

HBB/srh

Murray Farms Business Park Planned Development

Outline Plan Conditions:

I. Uses Permitted:

A. Any use permitted by right in the Employment (EMP) District with the following exceptions:

1. Bar, tavern, cocktail lounge, nightclub
2. Adult-oriented establishment
3. Convenience store with or without gas pumps
4. Payday loans, title loan, flexible loan plan establishments
5. Pawnshop
6. Tattoo, palmist, psychic, or medium
7. Truck stop, tractor-trailer (fueling of)
8. Recreation field with lights
9. Indoor shooting range
10. Multi-modal facility
11. Human or pet crematorium
12. Outdoor recreation (as classified in UDC)
13. Lumberyard and wood products
14. Vapor shop
15. Vehicle parts and accessories
16. Hourly Rate Hotel or Motels

II. Bulk Regulations:

A. The Bulk Regulations of the EMP shall apply except for the following:

1. Building height shall be a maximum of fifty (50) feet.

III. Access, Circulation and Parking:

- A. Dedicate Murray Farms Road as a major collector street with sixty-eight (68) feet of right-of-way. Build in its entirety to the western most point of any phase within the maximum allowed cul-de-sac length established by the UDC.
- B. Murray Farms Road to align with the current alignment of the built section of Murray Farms Road.
- C. No access shall be permitted into adjacent residential developments.
- D. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- E. All public street improvements shall be in accordance with the UDC.

- F. All gated entrances shall meet the requirements of Unified Development Code (UDC) (4.4.8).
- G. Parking shall be in accordance with the EMP requirements of the UDC.

IV. Landscaping, Lighting and Screening:

- A. Buildings with metal and concrete block exteriors shall be prohibited.
- B. Murray Farms Road frontage and the frontage along any internal collector streets shall be landscaped with Plate S-10 or an equivalent that is acceptable to the Division of Planning and Development.
- C. Provide a thirty (30) foot natural buffer augmented as needed with evergreens to provide an opaque buffer along the north line of the overhead transmission lines including a six (6) foot high sight proof fence along the south side of the buffer.
- D. Provide a one hundred (100) foot minimum natural buffer along the north and west lines of the Hillshire subdivision phase G & F.
- E. Internal landscaping to comply with the UDC.
- F. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires. Equivalent landscaping may be substituted for this, subject to the approval of the Division of Planning and Development.
- G. Trash containers shall be completely screened from public view.
- H. All HVAC equipment shall be screened from view using landscaping, fencing, or in the case of roof-mounted equipment, architectural elements such as a parapet.
- I. Site lighting and parking lot lighting shall be designed to direct lighting away from residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height. All fixtures on the side of the buildings that are adjacent to residential shall be full cutoff type.

V. Drainage:

- A. All drainage plans to be submitted to the City Engineer for review.
- B. Design of the stormwater conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of stormwater run-off generated from the project that exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for stormwater detention facilities.
- C. This site is located within the boundary of the Fletcher Creek Drainage Basin and is required by ordinance to provide on-site detention of stormwater runoff that considers both the 10- and 25-year, 24-hour storm. The applicant should be aware that the ordinance requires that development in this area provide no net loss of flood plain storage as shown on the 2013 FEMA Flood Hazard Boundary Maps.

VI. Signs:

- A. Murray Farms Business Park shall conform to the sign regulations for the EMP District according to the UDC.
- B. Portable signs, temporary signs, and off-premise signs shall not be permitted.
- C. Attached building signs shall be in accordance with the requirements of the UDC for the EMP District.
- D. In addition to the signage rights above, an entrance monument may be built on one corner at the intersection of Murray Farms Road and Appling City Cove. The entrance monument may be a maximum of 20 feet tall with the square footage conforming to the UDC.

VII. The Land Use Control Board: LUCB may modify the building setbacks, access, parking, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Final Plans: A final plan shall be filled within ten (10) years of approval of the outline plan. The LUCB may grant extensions at the request of the applicant.

IX. Site Plan Review: A site plan review shall be conducted administratively by Division of Planning and Development as a part of the final plat submittal.

X. Any final plan shall include the following:

- A. The outline plan conditions;
- B. A standard subdivision contract as required by the subdivision regulations for any required public improvements;
- C. The exact locations and dimensions including height of buildings, parking areas, utility easement drives and required landscaping and screening for this development;
- D. The number of parking spaces;
- E. The location and ownership, whether public or private, of any easement;
- F. All common open areas, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by the applicant property owner. A statement to this effect shall be shown on the final plan;
- G. The 100-year flood elevation;
- H. The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission for the City Engineer. The stormwater detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by a property owner. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the City Engineer's Office. Such maintenance shall include but not be limited to removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning and repair of drainage structures;

- I. The property owner association shall be responsible for the ownership and maintenance requirements of any common open space areas;

XI. Other:

- A. The consent of the owners of any lot or lots shall not be required to make amendments to the planned development. All property owners within the planned development shall be notified by mail of any proposed amendment.



Tom Leatherwood
Shelby County Register

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.

	
02222459	
12/31/2002 - 03:30 PM	
7 PGS : R - QUIT CLAIM	
DAVEJ 00096990-2222459	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
TOTAL AMOUNT	37.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

THIS INSTRUMENT PREPARED BY AND WHEN RECORDED RETURN TO: Lodie V. Biggs, Esq. Baker, Donelson, Bearman & Caldwell 165 Madison Ave., Ste. 2000 Memphis, Tennessee 38103	PROPERTY OWNER: Tennessee Westminster Corporation	PROPERTY ADDRESS: Vacant Land	MAIL TAX BILLS TO: Tennessee Westminster Corporation Attn: Ian F. Murray 5583 Murray Road Memphis, Tennessee 38119	TAX PARCEL NO.: D02 07 00153
--	--	---	--	--

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that **TENNESSEE CEMETERIES, INC.**, a Tennessee corporation ("Grantor"), for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby bargain, sell, remise, release, quit claim and convey unto **TENNESSEE WESTMINSTER CORPORATION**, a Tennessee corporation, all of Grantor's right, title and interest in and to the following described real estate situated and being in County of Shelby, State of Tennessee, to-wit:

All that certain real estate described in **Exhibit "A"** attached hereto and incorporated herein by reference.

This being a portion of the real estate conveyed to Grantor by Warranty Deed of record under Instrument No. E2 7952 in the Register's Office of Shelby County, Tennessee (Grantor having filed an amendment to its charter changing its name from "Eastlawn Memorial Park of Memphis, Inc." to "Tennessee Cemeteries, Inc.", a copy of such charter amendment being attached hereto as **Exhibit "B"**).

This conveyance is subject to the balance of the indebtedness secured by Deed of Trust of record under instrument number GX 1389 in said Register's Office, in favor of United American Bank of Memphis and its successor-in-interests, Regions Bank, the payment of all of which is assumed by the Grantee herein.

As used herein, pronouns shall be construed according to their gender and number according to the context thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by and through its duly authorized officer this the 30th day of December, 2002.

TENNESSEE CEMETERIES, INC.

By: 
Title: _____

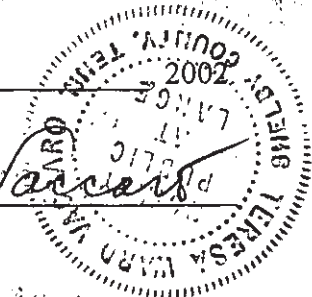
ACKNOWLEDGMENT

STATE OF Tennessee
 COUNTY OF Shelby

Before me, Teresa Ward Vaccaro, a Notary Public in and for the State and County aforesaid, personally appeared Ian F. Murray, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be the President of **TENNESSEE CEMETERIES, INC.**, the within named bargainor, a corporation, and that he as such President, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by self as such President.

WITNESS my hand and seal at office, on this the 30 day of Dec

Teresa Ward Vaccaro
 Notary Public



My Commission Expires:

My Commission Expires 6/28/2003

AFFIDAVIT OF VALUE

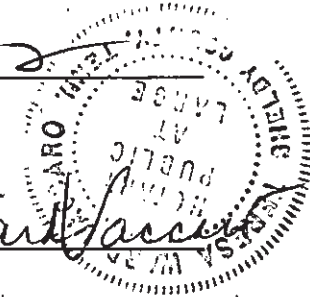
I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is \$ 0.00.

Ian F. Murray

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME this 30 day of Dec, 2002.

Teresa Ward Vaccaro
 Notary Public



My Commission Expires: _____

My Commission Expires 6/28/2003

EXHIBIT "A"
TO
QUIT CLAIM DEED
FROM
TENNESSEE CEMETERIES, INC.
TO
TENNESSEE WESTMINSTER CORPORATION

Description of Real Estate

[See Attached]

EXHIBIT "A"

The Tennessee Cemeteries, Inc. property (formerly the Eastlawn Memorial Park of Memphis, Inc.) as recorded in Instrument No. E2 7952 at the Shelby County Register's Office in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point, said point being the northeast corner of the Belz Investment Company property as recorded in Instrument X2 8175 at the said Register's Office and the west line of Appling Road (106 foot right-of-way); thence N 76°11'38" W along the north line of said Belz Investment Company Property and Lot 348 thru 333 of Section "E" of the Hillshire Subdivision as recorded in Plat Book 55, Page 69 at said Register's Office, a distance of 2,284.37 feet to a point, said point being the easternmost southeast corner of Lot 390 of Section "F" of the Hillshire Subdivision as recorded in Plat Book 55, Page 70 at said Register's Office; thence N 13°46'20" E along the east line of Lot 390 and Lot 428 of Section "F" of the Hillshire Subdivision and Lot 429, Lot 430 and Lot 480 of Section "G" of the Hillshire Subdivision as recorded in Plat Book 55, Page 71 at said Register's Office, a measured distance of 643.64 feet (called 643.50 feet) to a point; thence N 76°13'40" W along the north line of Lot 480 thru 454 of Section "G" of the Hillshire Subdivision, Lot 175 thru 171 of Section "B" of the Hillshire Subdivision as recorded in Plat Book 52, Page 71, Lots 26 thru 17 of Section "O" of the Hillshire Subdivision as recorded in Plat Book 89, Page 12, Lots 16 thru 9 of Section "N" of the Hillshire Subdivision as recorded in Plat Book 88, Page 24, and Lots 8 thru 1 of Section "M" of the Hillshire Subdivision as recorded in Plat Book 87, Page 41 at said Register's Office, a distance of 3,638.31 feet to a point, said point being the southeast corner of the Tennessee Cemeteries, Inc. property as recorded in Book 4424, Page 449 at said Register's Office and also being the approximate centerline of Fletcher Creek; thence along the east line of said Tennessee Cemeteries, Inc. property and the approximate centerline of Fletcher Creek, the following courses and distances:

Thence N 76°39'27" E, 547.79 feet;
 N 68°52'09" E, 288.06 feet;
 N 46°00'07" E, 164.77 feet;
 N 27°25'51" E, 397.87 feet;
 N 38°20'25" E, 158.48 feet;
 N 29°39'36" E, 219.63 feet;
 N 47°21'20" E, 186.82 feet;
 N 66°43'21" E, 43.49 feet;
 N 86°25'20" E, 35.36 feet;
 S 89°28'05" E, 212.49 feet to a point;

Said point being the south line of Countryside, Inc. property as recorded in Instrument No. S8 5287 at said Register's Office; thence along the south line of Countryside, Inc., the following courses and distances:

Thence S 75°12'56" E, 572.17 feet;
 S 48°03'43" E, 901.26 feet;
 S 07°32'34" W, 188.49 feet to a point;

Thence S 74°43'40" E along the south line of countryside, Inc. property and the Johnny Chester, Trustee, property as recorded in Instrument J6 1719 at said Register's Office, a distance of 858.00 feet to a point; thence along the southern regions of the Johnny Chester, Trustee, property the following courses and distances:

S 15°35'31" W, a called and measured distance of 660.00 feet;
 S 74°49'29" E, a measured distance of 1,112.40 feet (called 1,112.65 feet);
 S 14°03'59" W, a measured distance of 540.37 feet (called 540.00 feet);
 S 75°24'42" E, a measured distance of 797.38 feet (called 797.82 feet);
 N 14°20'45" E, a measured distance of 453.32 feet (called 453.43 feet);
 S 73° 30'52"E, a distance of 196.14 feet to a point,

Said point being the west line of Appling Road, thence S 00°01'49" W along the west line of Appling Road, a distance of 763.95 feet to the point of beginning and containing 5,061,991 square feet or 116.20 acres.

LESS AND EXCEPT:

Beginning at a point on the proposed right-of-way line 106.73 feet left of survey centerline Station 55 + 72.61 on Appling Road; thence along proposed right-of-way (C. A. & Fence) as follows:

North 20 degrees 27 minutes 25 seconds West 78.52 feet to a point 120 feet left of survey centerline Station 56 + 50; thence North 10 degrees 43 minutes 43 seconds West 50 feet to a point 120 feet left of survey centerline Station 57 + 00; thence North 79 degrees 16 minutes 17 seconds East 63.0 feet to a point 57 feet left of survey centerline Station 57 + 00; thence along proposed right-of-way North 10 degrees 43 minutes 43 seconds West 626.7 to a point 57 feet left of survey centerline Station 63 + 26.70 and being a point on subjects north property line; thence along said property line South 83 degrees 28 minutes 43 seconds East 38.74 feet to a point on the present right-of-way line of Appling Road, 20 feet left of survey centerline Station 63 + 15.21 thence along present right-of-way South 10 degrees 43 minutes 43 seconds East 764.22 feet to a point on subjects south property line; thence along said property line North 86 degrees 43 minutes 43 seconds West 89.39 feet to the point of beginning.

Contains 0.830 acres more or less.

Beginning at a point on the proposed right-of-way line of Appling Road, 120 feet left of survey centerline Station 56 + 50; thence North 82 degrees 17 minutes 37 seconds West 15.81 feet to a point 135 feet left of survey centerline Station 56 + 55; thence North 10 degrees 43 minutes 43 seconds West 45 feet to a point 135 feet left of survey centerline Station 57 + 00; thence North 04 degrees 58 minutes 07 seconds West 577.92 feet to a point 77 feet left of survey centerline Station 62 + 75; thence North 79 degrees 16 minutes 17 seconds East 15 feet to a point; thence South 04 degrees 58 minutes 07 seconds East 582 feet more or less to a point 120 feet left of survey centerline Station 57 + 00; thence along proposed right-of-way (C. A. & Fence) South 10 degrees 43 minutes 43 seconds East 50 feet to the point of beginning.

Contains 9,450 square feet more or less.

Address: Vacant Land

Tax ID No. D02 07 00153

EXHIBIT "B"
TO
QUIT CLAIM DEED
FROM
TENNESSEE CEMETERIES, INC.
TO
TENNESSEE WESTMINSTER CORPORATION

Articles of Amendment to the Charter of Eastlawn Memorial Park of Memphis, Inc.

[See Attached]

MARCH 30, 1970

P-53, PAGE 3226

ARTICLES OF AMENDMENT TO THE CHARTER

OF

EASTLAWN MEMORIAL PARK OF MEMPHIS, INC.

Pursuant to the provisions of Section 48-303 of the Tennessee General Corporation Act, the undersigned corporation adopts the following articles of amendment to its charter:

1. The name of the corporation is:
EASTLAWN MEMORIAL PARK OF MEMPHIS, INC.
2. The amendment adopted is to change the name of the subject corporation to:
TENNESSEE CEMETERIES, INC.
3. The amendment was duly adopted at a meeting of the shareholders on November 6, 1969.
4. If a corporation for profit, the manner, if not set forth in such amendment, in which any exchange, reclassification or cancellation of issued shares provided for in the amendment shall be effected is as follows:
None
5. If the amendment is not to be effective when these articles are filed by the Secretary of State, the date it will be effective is March 30, 1970.

Dated, the 27th day of March, 1970.

EASTLAWN MEMORIAL PARK OF MEMPHIS, INC.

By James H. Wood

AGENDA ITEM: 4

CASE NUMBER: PD 21-017 **L.U.C.B. MEETING:** July 8, 2021

DEVELOPMENT: Murray Farms Business Park Planned Development

LOCATION: Northwest corner of Appling City Cove and Murray Farms Road

COUNCIL DISTRICT: District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Tennessee Westminster Corporation

REPRESENTATIVE: Homer Branan – Farris Bobango Branan PLC

REQUEST: Industrial business park

AREA: +/-104.75 acres

EXISTING ZONING: Conservation Agriculture (CA) and Floodway (FW)

CONCLUSIONS

1. The applicant is requesting approval of a planned development to allow an industrial business park at the northwest corner of Appling City Cove and Murray Farms Road.
2. The subject property is a vacant +/-104-acre parcel that is currently zoned Conservation Agriculture (CA) and Floodway (FW). The zoning of this site for low intensity agricultural, residential, and open space uses was established in the 1950's and 1960's.
3. The applicant maintains that an industrial business park, comprised of light industrial (warehouse and distribution) land uses, is the highest and best use for the subject property. While it is apparent that development of the northwestern portion of the site is limited by its proximity to and location within the Fletcher Creek floodway, the impact of day-to-day operations may adversely impact the quality of life in the surrounding neighborhood despite the applicant's proposed nuisance mitigation strategies—which include an extensive (200 foot) landscape buffer along the southern property line—and the limitations imposed as conditions by staff.
4. The proposed business park is incompatible with the existing and adjacent land uses and zoning districts (see land use map on page 7 of this staff report for adjacent land uses). The subject site is abutted on both the north and south sides by single-family residential. This proposal is likewise inconsistent with the future land use, degree of change, and recommended actions designated by the comprehensive plan. Therefore, Staff finds that this proposal does not meet the objectives, general provisions, or approval criteria for planned developments.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 22-23 of this report.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: Appling City Cove +/-293.6 linear feet

Zoning Atlas Page: 1850

Parcel ID: 095300 00313

Existing Zoning: Conservation Agriculture (CA) and Floodway (FW)

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Thursday, May 27, 2021, at 7219 Appling Farms Parkway.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 333 notices were mailed on June 28, 2021, and a total of 3 signs were posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



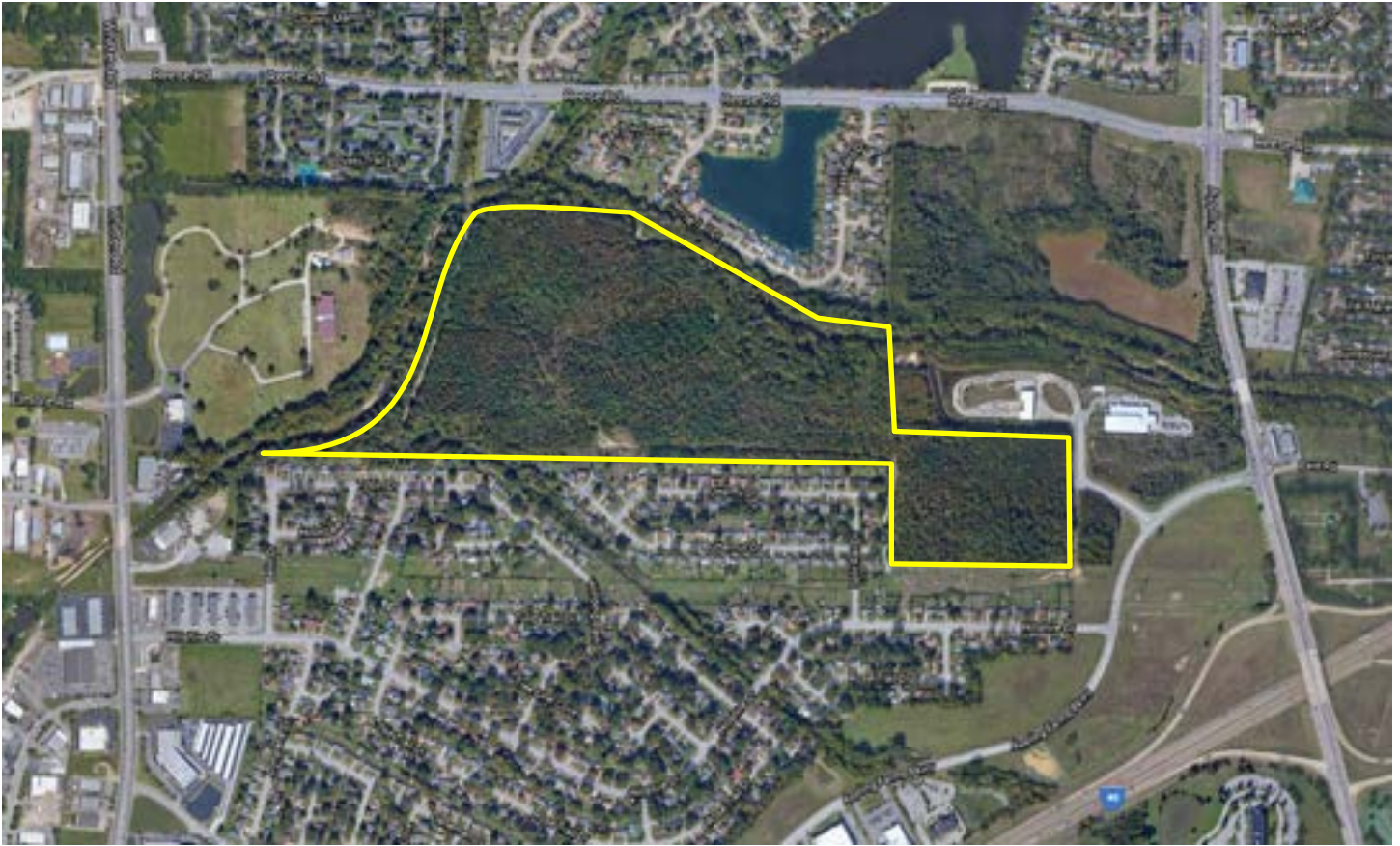
Subject property located within the pink circle, Hillshire neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA) and Floodway (FW)

Surrounding Zoning

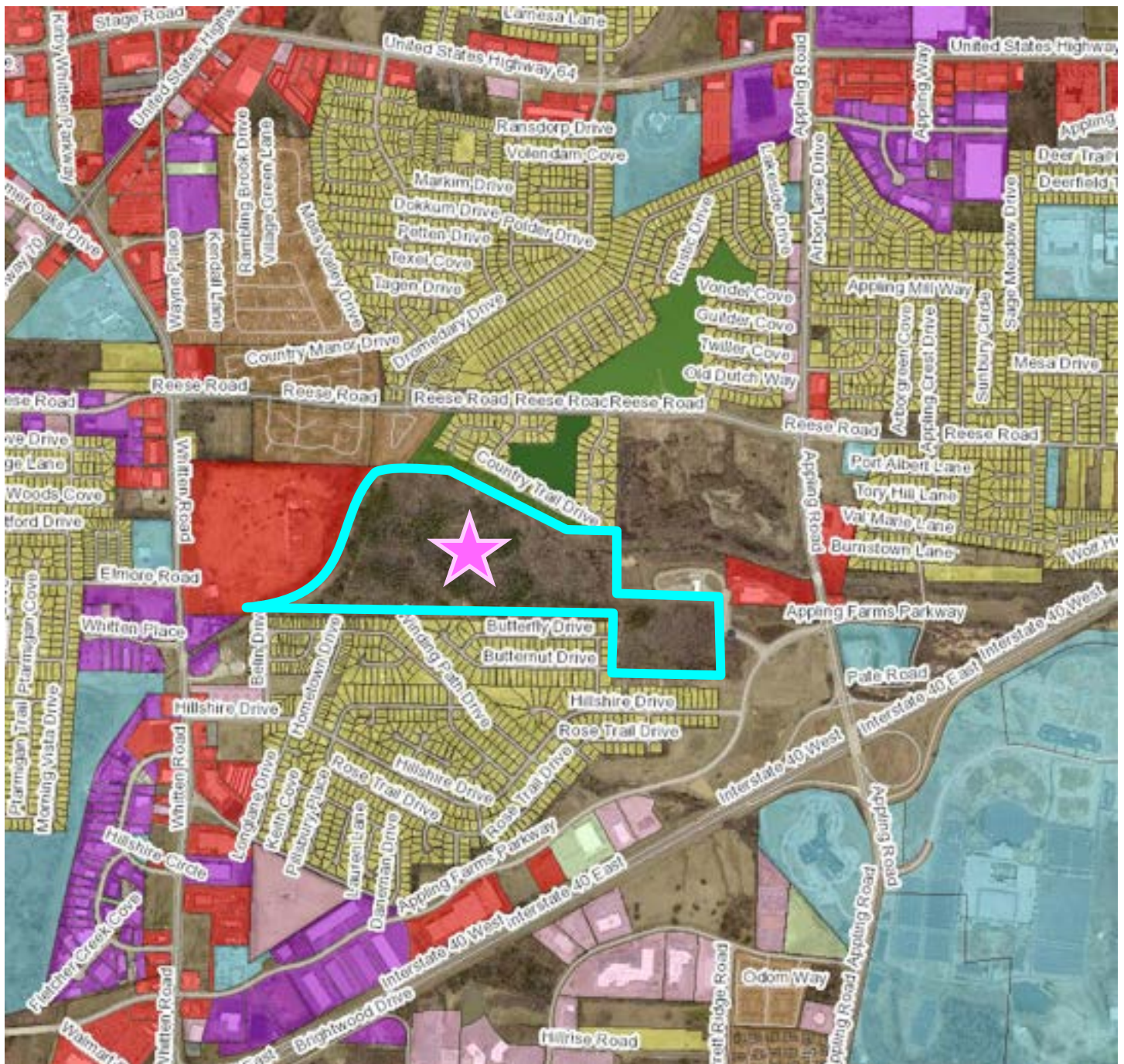
North: FW and RU-2

East: FW and RU-1, then RU-3

South: RU-1, then R-6

West: CA

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of the subject property from Appling City Cove, looking west



View of the subject property from Butterfly Drive, looking east



View of the subject property from Butternut Drive, looking east



View of the intersection of Murray Road and Appling Road, looking southwest



View of the intersection of Appling Farms Parkway and Appling Road, looking north

LEGEND

- FEMA DESIGNATED FLOODWAY (AREA NOT TO BE FILLED)
THIS PROPERTY CONTAINS APPROXIMATELY 1.8 ACRES WITHIN THE FLOODWAY
- FEMA DESIGNATED 100-YEAR FLOODPLAIN (ZONE AE WITH BASE FLOOD ELEVATIONS)
(THIS FLOODPLAIN EXCLUDES AREAS WITHIN THE FLOODWAY)
REDEMPTION REQUIRED TO FILL IN 100-YEAR FLOODPLAIN

VICINITY MAP
NTS

OUTLINE PLAN
MURRAY FARMS BUSINESS PARK P.D.

CASE NUMBER: PG 27-
MEMPHIS, TENNESSEE

NUMBER OF LOTS: N/A
4.108 ACRES
PARCEL: 0910010013

DEVELOPER:
TENNESSEE REDEMPTION CORPORATION
ENGINEER:
THE REAGAN FIRM

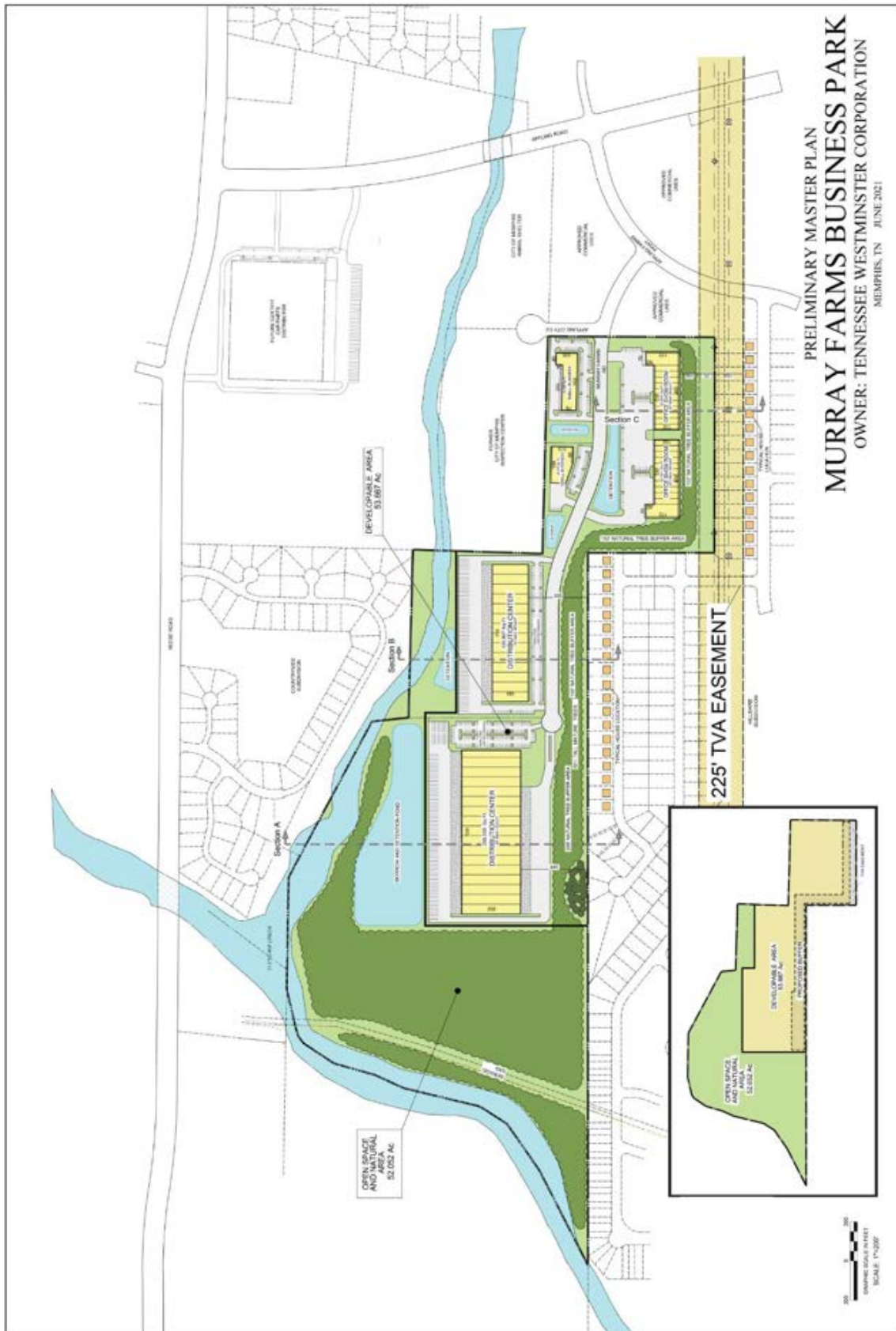
100-YEAR FLOOD ELEV.: VARIOUS
FEMA MAP PANEL: NC 22043
FEMA MAP DATE: FEB. 8, 2013

SCALE:
MAY 2021
SHEET 1 OF 1

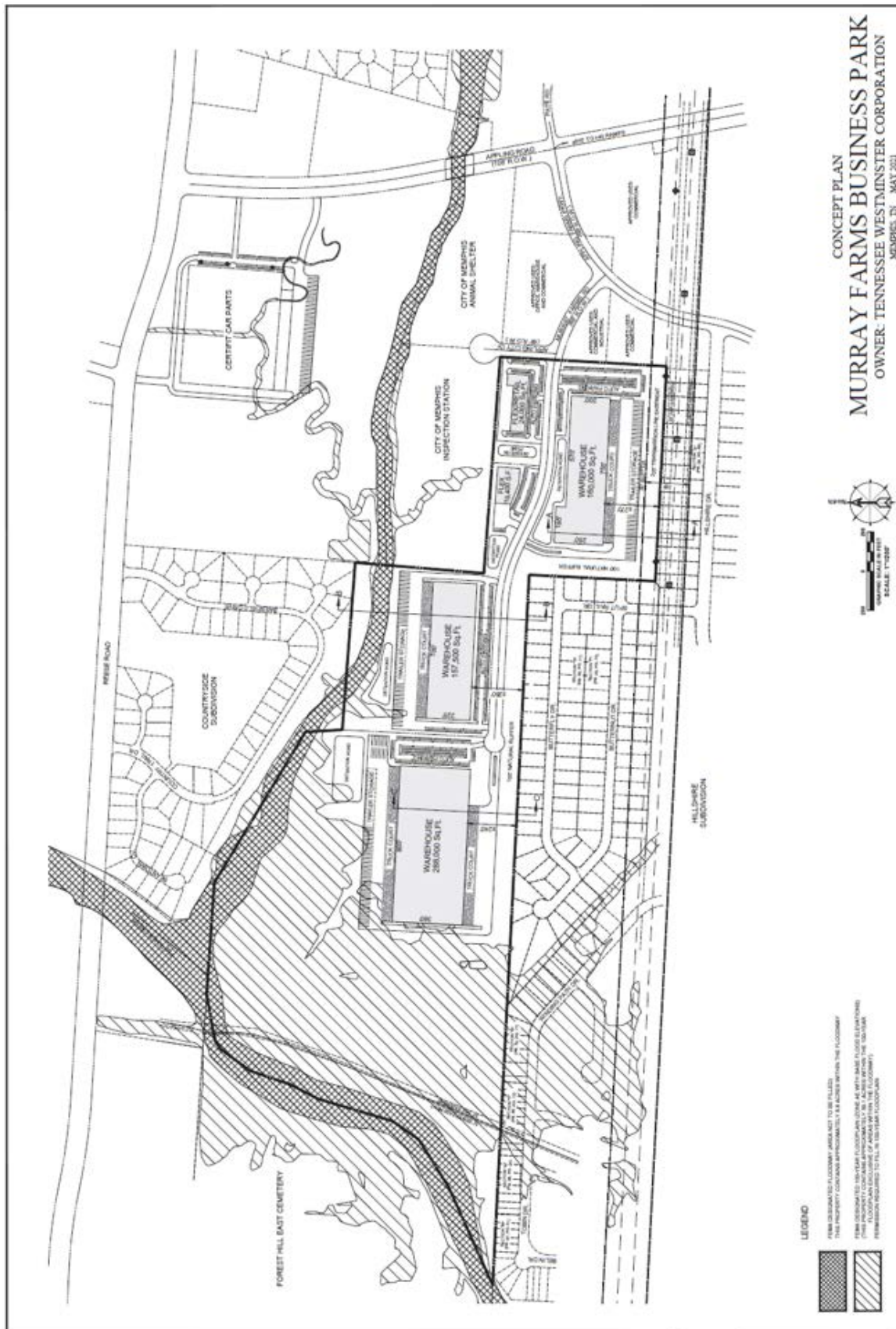
The Reagan Firm
1000 N. GLENN ST., SUITE 100
MEMPHIS, TN 38104
901.521.1000
www.thereaganfirm.com

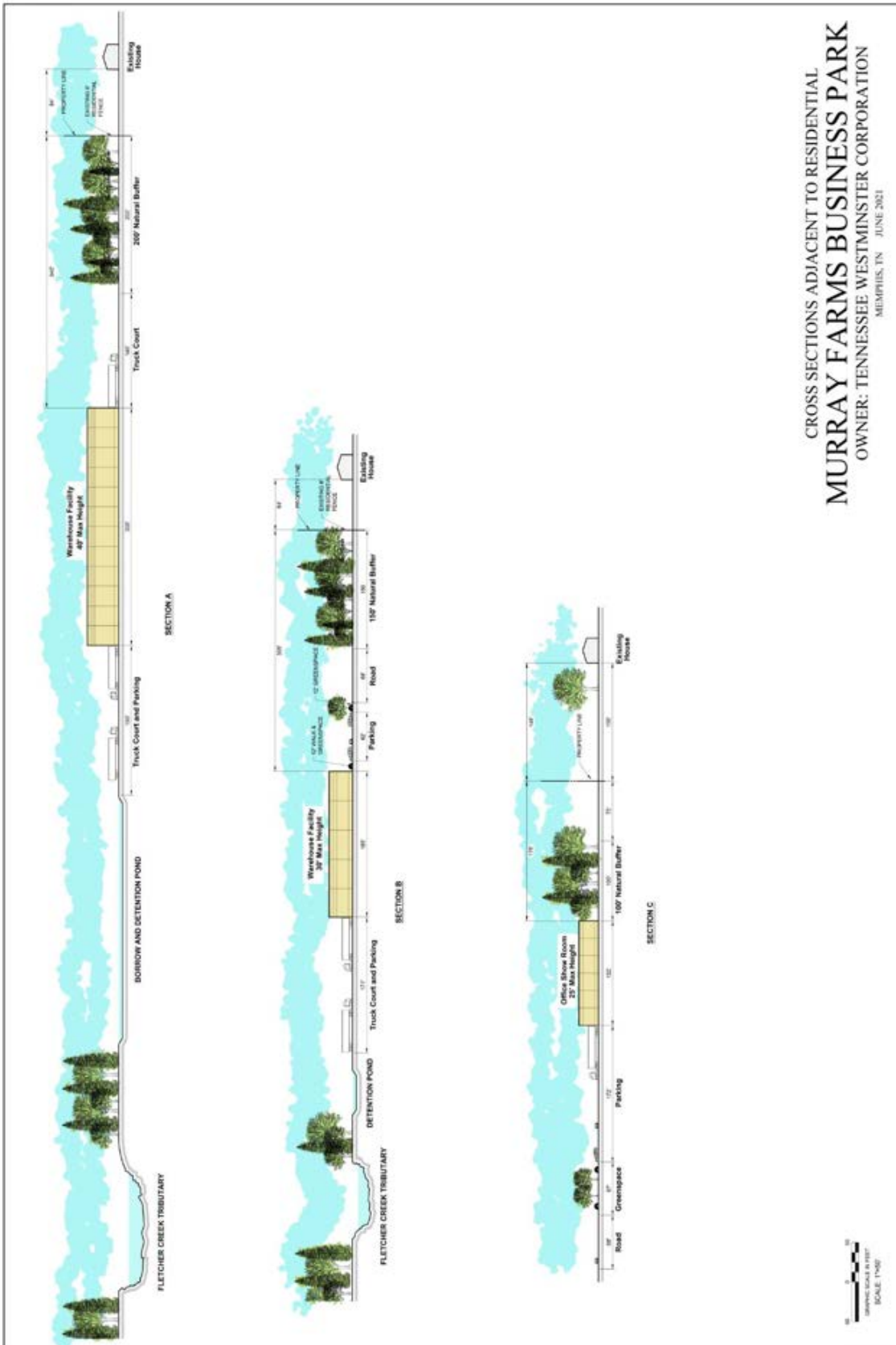
GRAPHIC SCALE IN FEET
SCALE: 1"=300'

CONCEPT PLAN (REVISED)

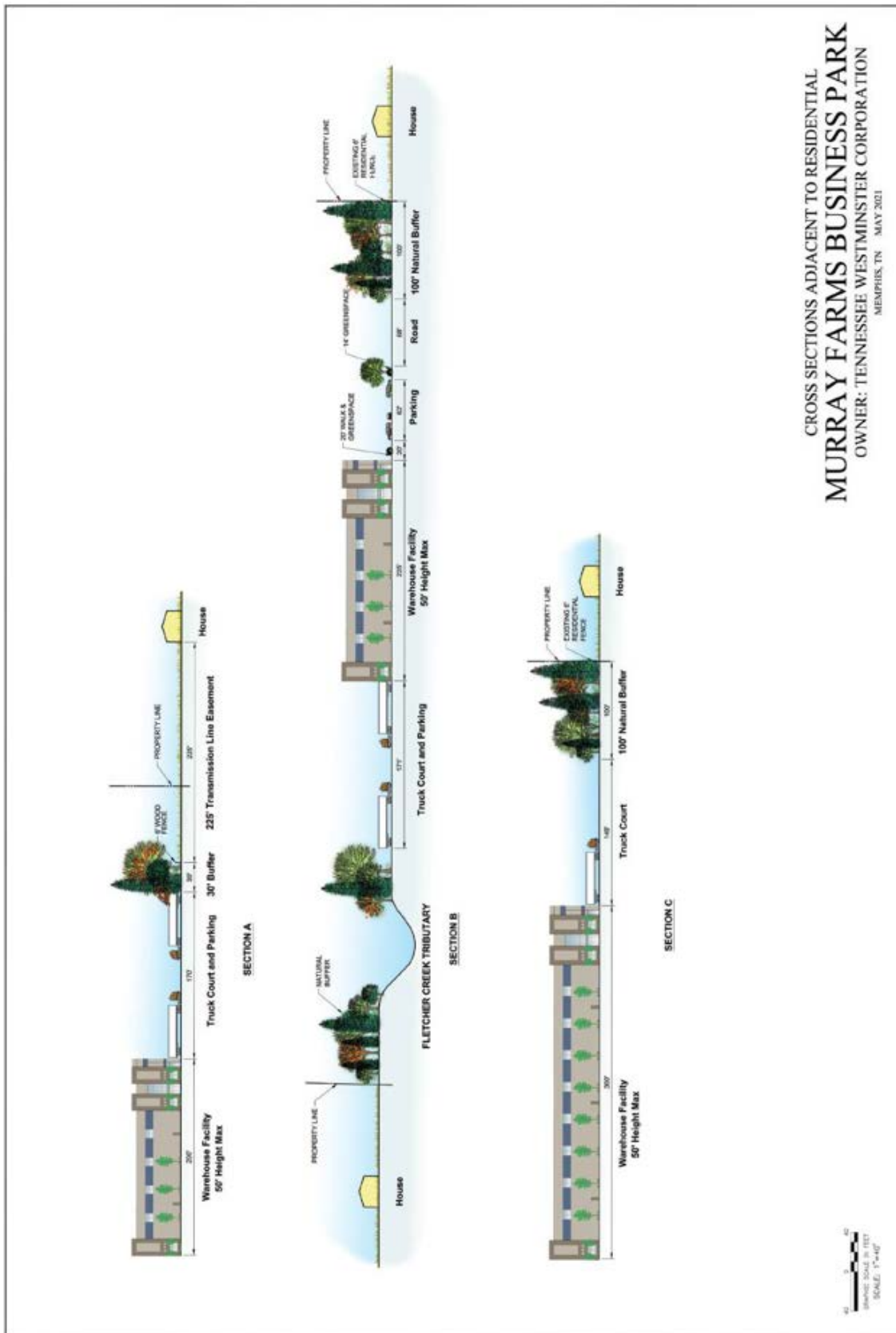


CONCEPT PLAN (ORIGINAL)





LANDSCAPE PLAN (ORIGINAL)



ELEVATIONS (ORIGINAL)



(2013) FEMA FLOOD MAP

National Flood Hazard Layer FIRMette



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/5/2023 at 11:45 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmoderated areas cannot be used for regulatory purposes.

STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is approval of a planned development to allow an industrial business park.

Applicability

Staff **disagrees** the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff **disagrees** the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations

of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff ***disagrees*** the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff **disagrees** the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-104.75 acres located on the west side of Appling City Cove – 447 feet north of Appling Farms Parkway. The site is currently zoned Floodway and Conservation Agriculture, and it is vacant land. The northwestern portion of the site is traversed by Fletcher Creek while the remainder of the site is in a natural tree/forest state. The site is adjacent to residential developments in the south and northeast, and commercial developments to the east and west.

Site Zoning History

In the 1953 this site was zoned Agriculture (AG) and in the 1960s it was zoned Agriculture (AG) Flood Zone (Flood). From the 1970s onward, the site was zoned Agriculture (AG) or its successor Conservation Agriculture

(CA) and Floodway (FW).

On June 23, 1960, the Board of Adjustment approved Docket BOA 1960-30-CO for a variation to allow a cemetery on the subject property, see pages 43-44 of this report for said Notice of Disposition. There is no evidence that a cemetery was ever established on the site.

Site Plan Review

- Warehousing and distribution as principal uses are not permitted by right
- A minimum of 50% of the site appears to remain as open space
- The proposed buildings will be 25-40 feet in height which is permitted
- The landscape buffer has been altered to increase tree coverage along the southern boundary of the site

Relevant Unified Development Code Clauses

2.2 District Intent Statements

2.2.1 Open Districts

C. Floodway (FW)

The FW District is intended to allow specified uses that will not create flood hazards and which will not be unduly damaged, if flooded. The uses and regulations allowed shall be consistent with the provisions of federal laws and administrative regulations.

D. Conservation Agriculture (CA)

The CA district is intended to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas. The types, area, and intensity of land uses permitted in the CA district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas.

2.2.4 Predominantly Industrial Districts

A. Employment (EMP)

The EMP District is intended to accommodate office, light manufacturing, research and development, warehousing, wholesale, processing and commercial uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.

Consistency with Memphis 3.0

Staff uses the following criteria contained within Memphis 3.0 to determine consistency.

1. *The future land use planning map:* The subject site is identified as **Open Space & Natural Features (OSN)** in the future land use planning map.
2. *The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:*



Land use description & applicability:

OSN areas contain mainly natural features with a focus on preservation and sometimes allow for passive recreation, such as wildlands, wetlands, or waterways. These lands mainly perform environmental functions that allow for natural wildlife and ecological interactions to occur, therefore, necessitating conservation practices when applicable.

“OSN” Goals/Objectives:

Preservation, restoration, and maintenance of natural habitat, flood control, environmental stewardship, passive recreation.

“OSN” Form & Location Characteristics:

Conservation and recreational uses.

The request for an industrial business park at this location does not meet the preservation of open space and natural feature criteria. Additionally, a portion of this parcel is currently undevelopable as it lies within a floodplain. The proposed business park would eliminate much of the existing natural space.



3. *Existing, adjacent land uses and zoning:* The subject site is surrounded by the following land uses: single-family residential, commercial, and vacant land. The subject site is surrounded by the following zoning districts: RU-1, RU-3, CA and FW.

The requested land uses (warehousing and distribution) are incompatible with these adjacent land uses

4. *The degree of change map:* The subject site is undesignated in the Degree of Change map.
5. *The degree of change descriptions:* The Degree of Change descriptions and criteria are not applicable to this request.

The map displays the proposed boundary for the new City of San Antonio, outlined in red. The boundary encompasses several neighborhoods, including the area around the San Antonio River, the area around the San Antonio Zoo, and the area around the San Antonio Convention Center. The map also shows the location of the new City of San Antonio relative to the existing City of San Antonio and the surrounding areas.

The applicant is requesting approval of a planned development to allow an industrial business park at the northwest corner of Appling City Cove and Murray Farms Road.

The applicant maintains that an industrial business park, comprised of light industrial (warehouse and distribution) land uses, is the highest and best use for the subject property. While it is apparent that development of the northwestern portion of the site is limited by its proximity to and location within the Fletcher Creek floodway, the impact of day-to-day operations may adversely impact the quality of life in the surrounding neighborhood despite the applicant's proposed nuisance mitigation strategies—which include an extensive (200 foot) landscape buffer along the southern property line—and the limitations imposed as conditions by staff.

The proposed business park is incompatible with the existing and adjacent land uses and zoning districts (see land use map on page 7 of this staff report for adjacent land uses). The subject site is abutted on both the north and south sides by single-family residential. This proposal is likewise inconsistent with the future land use, degree of change, and recommended actions designated by the comprehensive plan. Therefore, Staff finds that this proposal does not meet the objectives, general provisions, or approval criteria for planned developments.

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following outline plan conditions:

Outline Plan Conditions (as amended by Staff; see pages 31-33 of this report for the originally submitted conditions)

I. Uses Permitted:

- A. Any office, warehouse and distribution, or commercial use permitted by right or administrative site plan review in the Employment (EMP) District.
- B. The following uses shall be prohibited:
 - 1. Bar, tavern, cocktail lounge, nightclub
 - 2. Adult-oriented establishment
 - 3. Convenience store with or without gas pumps
 - 4. Payday loans, title loan, flexible loan plan establishments
 - 5. Pawnshop
 - 6. Tattoo, palmist, psychic, or medium
 - 7. Truck stop, tractor-trailer (fueling of)
 - 8. Recreation field with lights
 - 9. Indoor shooting range
 - 10. Multi-modal facility
 - 11. Human or pet crematorium
 - 12. Outdoor recreation (as classified in UDC)
 - 13. Lumberyard and wood products
 - 14. Vapor shop
 - 15. Vehicle parts and accessories
 - 16. Hourly Rate Hotel or Motels

II. Bulk Regulations:

- A. Office and commercial uses shall conform with the bulk regulations of Commercial Mixed-Use – 1 (CMU-1) District, with the following exceptions:
 - 1. Maximum ground floor area of 25,000 square feet.
- B. Industrial uses shall conform the bulk regulations of the EMP District, with the following exceptions:
 - 1. Maximum building height of 40 feet.

III. Access, Circulation and Parking:

- A. The developer shall provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

- B. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk as identified during the plan review process.
- C. The developer shall dedicate Murray Farms Road as a major collector street with sixty-eight (68) feet of right-of-way and construct the full width of Murray Farms Road from Applying Farms Parkway to the western most point within the maximum allowed cul-de-sac length established by the UDC.
- D. The developer shall align Murray Farms Road with the current alignment of the built section of Murray Farms Road.
- E. No access shall be permitted into adjacent residential developments.
- F. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- G. All public street improvements shall be in accordance with the UDC.
- H. All gated entrances shall meet the requirements of the UDC.
- I. Parking shall be in accordance with the EMP requirements of the UDC.

IV. Landscaping, Lighting and Screening:

- A. Buildings with metal and concrete block exteriors shall be prohibited.
- B. Murray Farms Road frontage and the frontage along any internal collector streets shall be landscaped with the S-10 Streetscape Plate.
- C. Provide a thirty (30) foot minimum natural buffer augmented as needed with evergreens to provide an opaque buffer north of the overhead transmission lines including a six (6) foot high sight proof fence along the south side of the buffer.
- D. Provide a one hundred and fifty (150) foot minimum natural buffer along the north and east lines of the Hillshire subdivision phases G & F.
- E. Landscaping along any interior public street or private drive shall conform with the requirements of the UDC.
- F. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires.
- G. Refuse containers shall be completely screened from view from adjacent properties.
- H. Heating and air conditioning or any other equipment shall be screened from view using landscaping, fencing, or in the case of roof-mounted equipment, using a parapet or other architectural feature.
- I. Equivalent landscaping may be substituted for the above, subject to the approval of the Division of Planning and Development.
- J. All lighting shall not glare onto any adjacent property uses for residential purposes. Parking lot light standards shall be a maximum of twenty-five (25) feet in height. All fixtures on the side of the buildings that are adjacent to residential shall be full cutoff type.

V. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval

prior to recording of the final plat.

- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been proved for storm water detention facilities.
- C. This site is located within the boundary of the Fletcher Creek Drainage Basin and is required by ordinance to provide on-site detention of storm water runoff that considers both the 10- and 25-year, 24-hour storm. The applicant should be aware that the ordinance requires that development in this area provide no net loss of flood plain storage as shown on the 2013 FEMA Flood Hazard Boundary Maps.

VI. Signs:

- A. The sign requirements of the EMP District shall apply.
- B. Portable signs, temporary signs, and off-premise signs shall be prohibited.
- C. One monument-style sign is permitted at the intersection of Murray Farms Road and Appling City Cove. The entrance monument may be a maximum of 20 feet in height.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- F. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.

- H. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- X. The consent of succeeding owners of any lots shall not be required to make amendments to the planned development. All property owners within the planned development shall be notified by mail of any proposed amendment.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. This site is located in the Fletcher Creek sewer basin. Developments are reviewed on a case by case basis due to the sanitary sewer capacity restriction within this sewer basin. If this site is approved for a sewer connection, the installation of a sewer on-site storage tank with off-peak discharge is required. The Engineer will have to submit proposed sewer discharge rates to the City's Sewer Design Dept.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb,

gutter and sidewalk.

11. Dedicate Murray Farms Road as a major collector street with sixty-eight (68) feet of right-of-way. Construct Murray Farms Rd (full width) from Appling Farms Parkway to the western most point allowed by the UDC for a dead-end street with cul-de-sac
12. Murray Farms Rd shall align with the current alignment of the built section of Murray Farms Rd.
13. No access shall be permitted into adjacent residential developments.
14. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
15. All public street improvements shall be in accordance with the UDC.

Drainage:

16. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
17. This site is located in a sensitive drainage basing (Fletcher Creek 12-A). Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
18. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
19. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
20. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
21. Part of this site is located within the 100-Year floodplain of # according to the FEMA maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100-year floodplain boundary line and elevation shall be reflected on the final plat and engineering plans.
22. Part of this site is within the FLOODWAY of (stream name) according to the FEMA maps. No filling or construction shall be permitted within the Floodway. The Floodway boundary shall be reflected on the final plat and engineering plans.

Site Plan Notes:

23. Cul-de-sac must meet Fire Code requirements and be at least ninety-six (96) feet in diameter.

City/County Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:

No comments received.

City/County Health Department:

Water Quality Branch & Septic Tank Program:

No comments received.

Shelby County Schools:

No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

No comments received.

Office of Sustainability and Resilience:

No comments received.

OUTLINE PLAN CONDITIONS (AS ORIGINALLY SUBMITTED BY THE APPLICANT)

I. Uses Permitted:

A. Any use permitted by right in the Employment (EMP) District with the following exceptions:

1. Bar, tavern, cocktail lounge, nightclub
2. Adult-oriented establishment
3. Convenience store with or without gas pumps
4. Payday loans, title loan, flexible loan plan establishments
5. Pawnshop
6. Tattoo, palmist, psychic, or medium
7. Truck stop, tractor-trailer (fueling of)
8. Recreation field with lights
9. Indoor shooting range
10. Multi-modal facility
11. Human or pet crematorium
12. Outdoor recreation (as classified in UDC)
13. Lumberyard and wood products
14. Vapor shop
15. Vehicle parts and accessories
16. Hourly Rate Hotel or Motels

II. Bulk Regulations:

A. The Bulk Regulations of the EMP shall apply except for the following:

1. Building height shall be a maximum of fifty (50) feet.

III. Access, Circulation and Parking:

- A. Dedicate Murray Farms Road as a major collector street with sixty-eight (68) feet of right-of-way. Build in its entirety to the western most point of any phase within the maximum allowed cul-de-sac length established by the UDC.
- B. Murray Farms Road to align with the current alignment of the built section of Murray Farms Road.
- C. No access shall be permitted into adjacent residential developments.
- D. All internal roads shall be private drives and have a minimum width of twenty-two (22) feet.
- E. All public street improvements shall be in accordance with the UDC.
- F. All gated entrances shall meet the requirements of Unified Development Code (UDC) (4.4.8).
- G. Parking shall be in accordance with the EMP requirements of the UDC.

IV. Landscaping, Lighting and Screening:

- K. Buildings with metal and concrete block exteriors shall be prohibited.
- L. Murray Farms Road frontage and the frontage along any internal collector streets shall be landscaped with Plate

S-10 or an equivalent that is acceptable to the Division of Planning and Development.

- M. Provide a thirty (30) foot natural buffer augmented as needed with evergreens to provide an opaque buffer along the north line of the overhead transmission lines including a six (6) foot high sight proof fence along the south side of the buffer.
- N. Provide a one hundred (100) foot minimum natural buffer along the north and west lines of the Hillshire subdivision phase G & F.
- O. Internal landscaping to comply with the UDC.
- P. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires. Equivalent landscaping may be substituted for this, subject to the approval of the Division of Planning and Development.
- Q. Trash containers shall be completely screened from public view.
- R. All HVAC equipment shall be screened from view using landscaping, fencing, or in the case of roof-mounted equipment, architectural elements such as a parapet.
- S. Site lighting and parking lot lighting shall be designed to direct lighting away from residential properties. Parking lot light standards shall be a maximum of twenty-five (25) feet in height. All fixtures on the side of the buildings that are adjacent to residential shall be full cutoff type.

V. Drainage:

- A. All drainage plans to be submitted to the City Engineer for review.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been proved for storm water detention facilities.
- C. This site is located within the boundary of the Fletcher Creek Drainage Basin and is required by ordinance to provide on-site detention of storm water runoff that considers both the 10- and 25-year, 24-hour storm. The applicant should be aware that the ordinance requires that development in this area provide no net loss of flood plain storage as shown on the 2013 FEMA Flood Hazard Boundary Maps.

VI. Signs:

- D. Murray Farms Business Park shall conform to the sign regulations for the EMP District according to the UDC.
- E. Portable signs, temporary signs, and off-premise signs shall not be permitted.
- F. Attached building signs shall be in accordance with the requirements of the UDC for the EMP District.
- G. In addition to the signage rights above, an entrance monument may be built on one corner at the intersection of Murray Farms Road and Appling City Cove. The entrance monument may be a maximum of 20 feet tall with the square footage conforming to the UDC.

VII. The Land Use Control Board: LUCB may modify the building setbacks, access, parking, landscaping and sign requirements if equivalent alternatives are presented.

VIII. Final Plans: A final plan shall be filled within ten (10) years of approval of the outline plan. The LUCB may grant extensions at the request of the applicant.

IX. Site Plan Review: A site plan review shall be conducted administratively by Division of Planning and Development as a part of the final plat submittal.

X. Any final plan shall include the following:

- A. The outline plan conditions;
- B. A standard subdivision contract as required by the subdivision regulations for any required public improvements;
- C. The exact locations and dimensions including height of buildings, parking areas, utility easement drives and required landscaping and screening for this development;
- D. The number of parking spaces;
- E. The location and ownership, whether public or private, of any easement;
- F. All common open areas, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by the applicant property owner. A statement to this effect shall be shown on the final plan;
- G. The 100-year flood elevation;
- H. The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission for the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by a property owner. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the City Engineer's Office. Such maintenance shall include but not be limited to removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning and repair of drainage structures;
- I. The property owner association shall be responsible for the ownership and maintenance requirements of any common open space areas;

XI. Other:

- A. The consent of the owners of any lot or lots shall not be required to make amendments to the planned development. All property owners within the planned development shall be notified by mail of any proposed amendment.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38113-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: May 6, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Murray Farms Business Park Planned Development

Property Owner of Record: Tennessee Westminster Corporation Phone #: 901-857-3220

Mailing Address: 5563 Murray Road, Suite 209 City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: robertmurray901@outlook.com

Applicant: SAME Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E-Mail Address: _____

Representative: Homer Branan - Farris Bobango Branan PLC Phone #: 901-259-7100

Mailing Address: 999 S. Shady Grove Road, Ste. 500 City/State: Memphis, TN Zip 38120

Representative E-Mail Address: hbranan@farris-law.com

Engineer/Surveyor: The Reaves Firm, Inc. - Mike Davis, R.L.A. Phone # 901-761-2016

Mailing Address: 6800 Poplar Avenue, Suite 101 City/State: Memphis, TN Zip 38138

Engineer/Surveyor E-Mail Address: mdavis@reavesfirm.com

Street Address Location: northwest corner of Appling City Cove and Murray Farms Road

Distance to nearest intersecting street: west of Appling City Cove

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>106 (+/-) acres</u>	_____	_____
Existing Zoning:	<u>CA & FW*</u>	_____	_____
Existing Use of Property	<u>vacant</u>	_____	_____
Requested Use of Property	<u>EMP</u>	_____	_____

*The Floodway designation on the Zoning Map is based on the FEMA map dated 9-27-2007. FEMA map was revised on 2-6-2013 but the Zoning Map hasn't been updated to match. During pre-application conference, staff agreed the intent is for zoning to follow the updated FEMA map.

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: NA Bedrooms: NA

Expected Appraised Value per Unit: NA or Total Project: NA

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No **X** _____

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

This property is adjacent to residential land, but we are providing ample buffers to screen the proposed development. The majority of the surrounding property is already developed. The undeveloped portion is near Appling Road and already in an approved Planned Development.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

All utilities are existing on or near this property. We understand the requirements of being in the Fletcher Creek drainage basin and also the sanitary sewer storage requirements.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The drives, buildings, parking areas and lighting will be designed to have minimal affect on the surrounding properties. We are proposing landscape buffers much larger than required to help accomplish this.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The adjacent subdivisions to the south and north were developed in 1973 and 1993 respectively. This property is heavily impacted by Fletcher Creek and a tributary, so has remained undeveloped. The proximity to the interstate makes EMP a good use for this land.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

Understood.

- Lots of records are created with the recording of a planned development final plan.

Understood.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: April 22, 2021 with Chip Saliba

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Tennessee Westminster Corporation
by Robert Murray 5/5/21 Date Anty Murray 5/5/21 Date
Property Owner of Record Applicant

**GUIDE FOR SUBMITTING
PLANNED DEVELOPMENT APPLICATION
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT (REVISED – SEE EXHIBIT A FOR ATTACHED DOCUMENTS)



June 24, 2021

MS. Clarke Shupe-Diggs
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste. 477 Memphis, TN 38103

RE: Murray Farms PD (PD 21-017)

Dear Clarke,

We appreciate the opportunity to respond to the DPD staff report for the Murray Farms Planned Development Application. Our client has instructed the design team to make changes as necessary to create an end design acceptable to all parties.

In reviewing the staff report, our major concern is the continuous reference to the Memphis 3.0 Comprehensive Plan which, we believe, erroneously and unfairly characterizes the subject property as totally unfit for development. We recognize half of the property lies within the Fletcher Creek floodplain, but the other half of the property is at a similar ground elevation to adjacent improved properties and has access to public road frontage and available utilities. The Memphis 3.0 Plan effectively condemns this private property as public open space without compensation to the landowner and without consideration that property taxes are paid annually by the landowner.

We recognize the requested light industrial use is not a typical transitional zoning adjacent to single-family residential properties. However, we also believe a site-specific analysis is appropriate in this case due to market demand and regional growth patterns. Generally, speculative single-family development has moved beyond this portion of the city, with no large-scale single-family development in the area for decades. The property owners have received no interest from single-family home developers or builders in the 50+ years the family has owned the land. Additionally, the property owners have received no interest from multi-family developers. Multi-family might seem an appropriate transitional use for the property, but this location would dictate a typical garden style apartment complex, which we believe might be more detrimental to the nearby residents from a noise/traffic/crime standpoint than a well-kept business park. Trendier live/work/play multi-family models which typically hold value better than garden-style apartments, would not be viable on this particular tract.

We believe the requested use is the most logical for the subject property, a position strengthened by recent interest from local and regional light industrial developers. Immediate access to the interstate system via the Appling Road interchange is the obvious driving force for their interest in the property. Our goal is to provide adequate separation between the proposed uses and the single-family residential to the south, orienting the business park toward active commercial uses to the north and east. A generous buffer ranging from 100-200' wide of existing mature 50' tall trees will be maintained along the entire south line of the development along the rear lot lines of the Hillshire Subdivision. The attached photographs taken earlier this week from the Hillshire Subdivision looking into the subject

6800 Poplar Ave. Suite 101 Memphis, TN 38138 T. 901.761.2016 / F. 901.763.2847

property illustrate the height and opacity of the tree save areas. We believe our proposed improvements will not be visible due to the thickness and height of the tree buffer and the significant distance (325-430') of the proposed buildings from the single-family homes. By contrast, the nearby Appling Farms Business Park (approved with light industrial and commercial uses) developed by Belz Investment Company, and also abutting the Hillshire Subdivision, was approved with a 30' wide separation buffer with very few existing trees. The Fletcher Creek and associated natural buffer will provide adequate protection for the neighborhood to the north. Murray Farms Road and Appling Farms Parkway are designed as major collectors and can easily handle the anticipated traffic created by the proposed development. Murray Farms Road, by virtue of its alignment, was obviously intended to continue to the west into the subject property.

There are several examples in Memphis where single-family residential subdivisions abut properties later developed with light industrial uses. As indicated on the attached data provided by Chandler Reports, single-family property values were not adversely affected by construction of the adjacent light industrial facilities.

In response to staff and neighborhood concerns our team proposes to make the following changes to the PD application in an effort to make the proposed business park more compatible with surrounding uses:

- Reduce overall park approximate building sf from 649,000 sf to 534,000 sf (18% reduction)
- Reduce the proposed maximum building heights from 50' sitewide to 40' for the western building, 30' for the central building and 25' for all other buildings. (see attached site plan and cross-sections)
- Increase the natural tree buffers along the south boundary of the western portion of the property from 100' wide to 200'/150 and 150' wide (see attached site plan and cross-sections)
- Increase the natural tree buffer along the south boundary of the eastern portion of the property from 30' to 100' wide. (see attached site plan and cross-sections)
- Change the large warehouse/distribution building on the east end of the site to two smaller office/showroom buildings and relocate dock areas to the north face of these buildings away from the existing residential neighborhood.

These combined PD revisions represent a significant economic sacrifice by the property owners and a good-faith compromise. We would appreciate your consideration of these revisions.

Sincerely,



Mike Davis, R.L.A.
Project Manager

Attachments

LETTER OF INTENT (ORIGINAL)

FARRIS BOBANGO BRANAN PLC
ATTORNEYS AT LAW

999 S. Shady Grove Road, Suite 500 / Memphis, TN 38120
901-259-7100 / Fax 901-259-7150
www.farrisbobango.com

May 5, 2021

Josh Whitehead, Zoning Administrator
Memphis and Shelby County Division of Planning and Development
City Hall
125 N. Main Street, Suite 476
Memphis, TN 38103

Re: Murray Farms Business Park Planned Development
Letter of Intent

Dear Josh:

We represent Tennessee Westminster Corporation, Robert and Ian Murray, in an application for a Planned Development to establish a business park and employment center on property located off Murray Farms Road northwest of Appling City Cove and west and south of the old City of Memphis inspection station and City of Memphis animal shelter. The vacant 106-acre property has been owned by the Murray family for over 50 years and was once part of a larger tract that included the present-day Forest Hill East Cemetery.

The subject property is surrounded by a variety of uses including big box retail/commercial development (Great American Home Store, Main Event, Carvana, etc.) 1200 lineal feet to the south in the Appling Farms Centre, commercially zoned land on adjacent property to the east, the Old City of Memphis Car inspection station and current animal shelter to the northeast, a cemetery to the west and single-family uses to the south and north. A Certifit car parts distribution facility will soon begin construction on contiguous property at the southwest corner of Appling and Reese. The abandoned city inspection station has been purchased by a private developer and is likely to be developed as flex light industrial uses.

The property is currently zoned CA (conservation agriculture) and FW (floodway) and is adversely encumbered by several physical factors including a large electric transmission easement, the Fletcher Creek flood plain and limited visibility from public view. Approximately 46 of the 106 total site acres fall within the 100-year flood plain and are essentially undevelopable. While the site is bordered on two sides by existing single-family residential uses, no residential developers have ever shown interest in the property. Residential development in the area ceased a number of years ago and moved further to the north and eastern portions of the county. Most of the nearby residential construction occurred in the 1970's through the early 1990's. Since then, development in the Appling/Whitten/I-40 area has been limited to commercial and light industrial uses.



Given the inherent physical challenges with the site and the market trends for this area of Memphis over the last decade, we believe a business park is the highest and best use for the property. The property is strategically located just off the Appling Road/Interstate 40 interchange, giving it excellent access to all parts of Memphis and Shelby County. JLL, the real estate company handling the sale of the property, estimates full project buildout for a business park scenario could result in 200-400 new jobs and a much needed seventy-five-million-dollar capital infusion into the northeast Memphis business submarket. A significant tax revenue uptick would be realized by both Memphis and Shelby County.

While a business park typically has a low impact on surrounding properties, the applicants are acutely aware of their responsibility to visually buffer the adjacent uses from the proposed development. A 100' wide area of mature trees will be retained along the common property line with the neighborhood to the south. Further east, where the common line with the neighborhood falls within the electric transmission easement, a 30' wide area of mature trees will be retained along the electric transmission easement line and supplemented with an opaque fence and new evergreen plantings. Along the north line of the development, a large, wooded buffer will be retained on both sides of Fletcher Creek to screen the proposed uses from the adjacent residential neighborhood. Outdoor lighting within the development will be controlled to eliminate point brightness and light spillage on to adjacent properties.

Exterior building materials will be predominately tilt-up concrete panels popular in most modern business centers with tasteful accents and muted colors. Loading areas will be properly screened and each site will be properly landscaped in accordance with the Memphis and Shelby County Unified Development Code.

The applicant as mentioned above is represented by the undersigned of Farris Bobango Branan Law Firm and Mike Davis of The Reaves Firm.

We respectfully request your favorable consideration, and if you have any questions or suggestions, please do not hesitate to contact us at your earliest convenience.

Yours very truly,

FARRIS BOBANGO & BRANAN PLC



Homer B. Branan, III

HBB/srh

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Thomas Hughes, being duly sworn, depose and say that at 8:30 am on the 28th day of May, 2021, I posted 3 Public Notice Sign(s) pertaining to Case No. PD&F-017 at Appling City Cove, Butterfly Dr. & Butternut Dr. providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

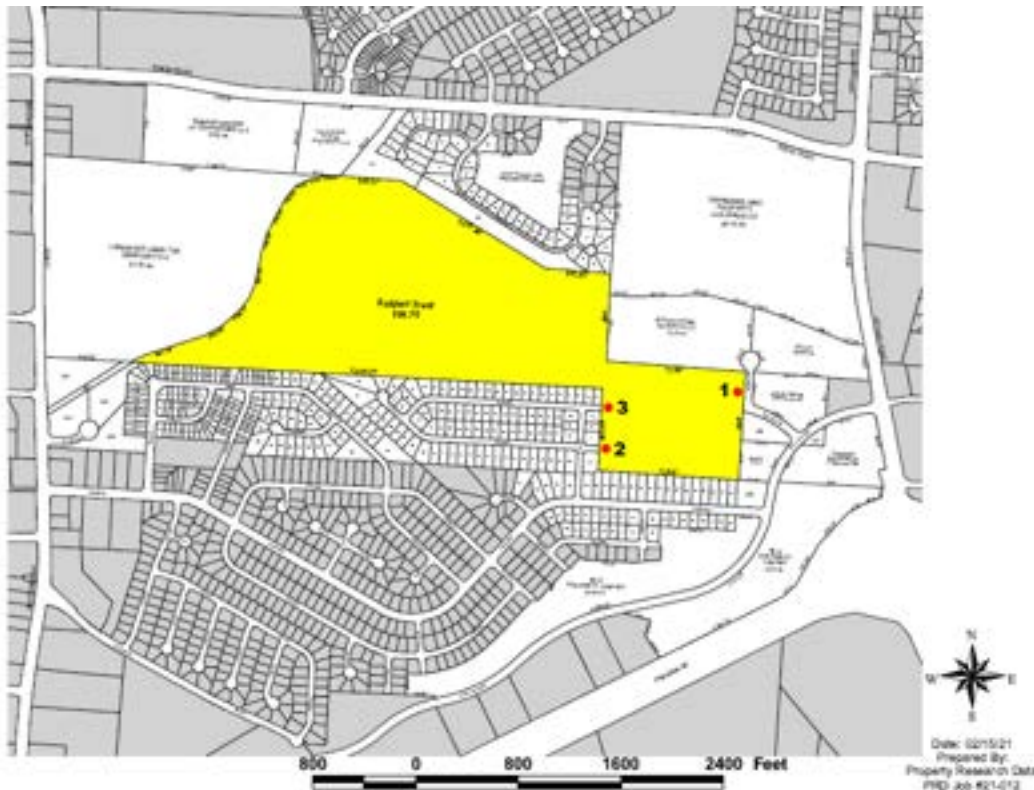
Thomas Hughes
Owner, Applicant or Representative

5/28/21
Date

Subscribed and sworn to before me this 28 day of May, 2021.

Michelle Cortese Moore
Notary Public

My commission expires: 5/14/22





#1 - Applling City Cove



#2 - Butterfly Drive



#3 - Butternut Drive

NOTICE OF DISPOSITION (BOA 1960-030-CO)

Form 4

Notice of Disposition of Zoning Case

Board of Adjustment
of
Shelby County, Tenn.
97 North Third Street
Memphis, Tenn.

Memphis, Tenn. July 5, 1960 19__

To George Harsh
1350 Commerce Title Bldg
Memphis Tennessee.

Premises Affected: east side of WMC Rd, at the intersection with Elmore Rd, fronting 1563 ft. on WMC Rd.

Sir:

You will please be advised that on June 9, 1960, 19__, the Board of Adjustment { granted } your { appeal } Docket No. 60-30
 { disallowed } { application for variation }

The resolution of the Board is subject to your inspection at the office of the Board of Adjustment.

Respectfully,

BOARD OF ADJUSTMENT OF
SHELBY COUNTY, TENN.

All appeals and applications granted are expressly conditioned upon the applicant obtaining the permit requested or other order within six (6) months from the date of the decision of the Board of Adjustment.

(over)

Ind. for date of a.c.c. appeal.

Approved on condition that shall no burial plots be located with within two hundred (200) feet of the centerlines of WMC Road and Appling Road along the frontage of the subject property; that the owner of the property dedicate that portion of the subject property fronting on and located within forty (40) feet of the centerlines of WMC Road and Appling Road, such dedication to be for future widening of the respective rights-of-way; and on further condition that a "Use and Occupancy" Permit be obtained from the Shelby County Building official prior to commencing development of the cemetery. Also, this approval is in accordance with the general plan of development incorporated in the application, except where restricted by the above conditions.

LETTERS RECEIVED

Nine letters of opposition were received at the time of completion of this report and have been subsequently attached.

Shelby County Custom Comparables Report

Prepared 6/17/2021 on CHANDLERREPORTS.COM by Chandler Reports

[View Selected Sales](#) [View Market Conditions Form 1004/20](#) [New!](#)

Latest Comparable Sales:

- ☐ [5920 HICKORY NUTT](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$84,000(\$84.32/SQFT) ON 12/16/1999.

SOLD TO FRANKLIN ARTHUR L JR BY HAROLD W JOHNSON
DEED: [KA2113](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$83,957. (FHA FIXED). (FIRST TENNESSEE BANK NATL).
1,306 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 2 CAR ATTACHED GARAGE.
BRICK VENEER/HARDBOARD CONSTRUCTION. BUILT IN 1992. GOOD CONDITION. 7,945 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. \$3000 CC.
APPRAISAL 11/1999 BY INDEPENDENT APPRAISER.

- ☐ [5885 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$75,000(\$69.00/SQFT) ON 11/19/1999.

SOLD TO HOA & TRAHN T PHAM BY BRATTON ROSS W ETUX
DEED: [JW2349](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$70,450. (FHA FIXED). (PULASKI MORTGAGE CO).
1,087 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRIC CONSTRUCTION. BUILT IN 1992. AVERAGE CONDITION. 5,300 SQFT LOT.
CENTRAL AIR. FIREPLACE.
APPRAISAL 9/1992 BY INDEPENDENT APPRAISER.

- ☐ [5857 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$74,000(\$71.15/SQFT) ON 7/30/1999.

SOLD TO MARCUS D SLEDGE BY FAULKNER MICHAEL ETUX
DEED: [JP5319](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$73,962. (FHA FIXED). (COMMUNITY MORTGAGE CORP).
1,040 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRICK VENEER/FRAME CONSTRUCTION. BUILT IN 1993. AVERAGE CONDITION. 5,300 SQFT LOT.
CENTRAL AIR. FIREPLACE. 5 APPLIANCES. WF,SS,PT.
APPRAISAL 7/1999 BY INDEPENDENT APPRAISER.

- ☐ [5877 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$80,000(\$66.28/SQFT) ON 7/27/1999.

SOLD TO RENITA TRAMMELL BY JONES CHRIS M ETUX
DEED: [JP3550](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$64,000. (CONVENTIONAL FIXED RATE). (NLC).
1,207 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
HARDBOARD CONSTRUCTION. BUILT IN 1992. 5,250 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. CV PORCH.
APPRAISAL 5/1992 BY INDEPENDENT APPRAISER.

- ☐ [5865 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$72,500(\$68.01/SQFT) ON 7/23/1999.

SOLD TO SAMUEL E JACKSON BY DAVIS GARY L ETUX
DEED: [JP1881](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$70,300. (CONVENTIONAL FIXED RATE). (UNION PLANTERS NATIONAL BANK).
1,066 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
HBSI CONSTRUCTION. BUILT IN 1993. AVERAGE CONDITION. 5,250 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. 4 APPLIANCES.
APPRAISAL 7/1999 BY INDEPENDENT APPRAISER.

☐ [4523 SHADOW CREEK](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$79,000(\$63.25/SQFT) ON 6/30/1999.

SOLD TO JOHNNY M & HATTIE J HITE BY BROWER CECIL V JR ETUX
DEED: [JM4115](#). [VIEW ALL GRANTOR/GRANTEES](#)
(NA).
1,249 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 GARAGE.
BRICK VENEER CONSTRUCTION. BUILT IN 1992. 4,999 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES.
APPRAISAL 7/1992 BY INDEPENDENT APPRAISER.

☐ [5896 HICKORY NUTT](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$72,900(\$69.49/SQFT) ON 5/28/1999.

SOLD TO FREDERICK T COBURN BY HILL S LIDA T
DEED: [JK7494](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$72,863. (FHA FIXED). (FIRST TRUST MORTGAGE).
1,049 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
FRBV CONSTRUCTION. BUILT IN 1993. EXCELLENT CONDITION. 5,840 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. NEW TRND.
APPRAISAL 7/1993 BY INDEPENDENT APPRAISER.

☐ [4517 SHADOW CREEK](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$76,500(\$56.37/SQFT) ON 3/30/1999.

SOLD TO HARRIS ADRAINE N BY KERRY K GOULD
DEED: [JY3103](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$76,480. (TF). (FIRST TENN BANK - KANSAS).
1,357 SQ. FT. 1.5 STORIES. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
SCWD CONSTRUCTION. BUILT IN 1992. AVERAGE CONDITION. 5,017 SQFT LOT.
CENTRAL AIR. FIREPLACE.
APPRAISAL 10/1999 BY INDEPENDENT APPRAISER.

☐ [5854 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$77,500(\$64.16/SQFT) ON 3/26/1999.

SOLD TO RAYMOND CALLAHAN BY BURROW JOSEPH B III ETAL
DEED: [JG1268](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$77,454. (FHA FIXED). (RESERVE MORTGAGE INVESTMENTS).
1,208 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRICK VENEER CONSTRUCTION. BUILT IN 1993. 5,608 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. NEW TREN.
APPRAISAL 1/1993 BY INDEPENDENT APPRAISER.

☐ [5836 HICKORY NUTT](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$72,000(\$63.05/SQFT) ON 3/26/1999.

SOLD TO TAMI W POE BY SANDERS DIANA E
DEED: [JF8191](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$76,000. (CONVENTIONAL FIXED RATE). (NATIONAL BANK OF COMMERCE).
1,142 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRICK VENEER CONSTRUCTION. BUILT IN 1992. 5,405 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES.
APPRAISAL 9/1992 BY INDEPENDENT APPRAISER.

☐ [5835 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$75,000(\$66.67/SQFT) ON 3/23/1999.

SOLD TO SAMMY & BEVERLY FRAZIER BY SIMS BOBBY N ETUX
DEED: [JG4892](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$72,750. (CONVENTIONAL FIXED RATE). (UNION PLANTERS NATIONAL BANK).

1,125 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
 BRICK VENEER CONSTRUCTION. BUILT IN 1993. 5,150 SQFT LOT.
 CENTRAL AIR. FIREPLACE. 4 APPLIANCES.
 APPRAISAL 4/1993 BY INDEPENDENT APPRAISER.

☐ [5884 HICKORY NUTT](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$68,500(\$57.08/SQFT) ON 1/22/1999.

SOLD TO BETTY FAULKNER BY HOUSING AND URBAN DEV

DEED: [JC1083](#). [VIEW ALL GRANTOR/GRANTEES](#)

(NA).

1,200 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.

MSBR CONSTRUCTION. BUILT IN 1994. GOOD CONDITION. 5,000 SQFT LOT.

CENTRAL AIR. FIREPLACE. 4 APPLIANCES. HUD SALE.

APPRAISAL 10/1994 BY INDEPENDENT APPRAISER.

Sale Price	Square Feet	Price Per Sq Foot
Minimum: \$68,500	Minimum: 1,040	Minimum: \$56.37
Maximum: \$84,000	Maximum: 1,357	Maximum: \$71.15
Average: \$75,575	Average: 1,170	Average: \$64.90

Comparables were located based on the following criteria: HICKORY COMMONS neighborhoods.

Sale Date between 1/1/1999 and 12/31/1999.

All home types.

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 All information is believed reliable, but is not guaranteed.

Shelby County Custom Comparables Report

Prepared 6/17/2021 on CHANDLERREPORTS.COM by Chandler Reports

Map Selected Date: View Market Conditions Form 1004/C2 **New!**

Latest Comparable Sales:

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BRICK VENEER/HARDBOARD CONSTRUCTION. BUILT IN 1992. GOOD CONDITION. 7,945 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. \$3000 CC.
APPRAISAL 11/1999 BY INDEPENDENT APPRAISER.

- ☐ [5885 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$75,000(\$69.00/SQFT) ON 11/19/1999.

SOLD TO HOA & TRAHN T PHAM BY BRATTON ROSS W ETUX
DEED: [JW2349](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$70,450. (FHA FIXED). (PULASKI MORTGAGE CO).
1,087 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRIC CONSTRUCTION. BUILT IN 1992. AVERAGE CONDITION. 5,300 SQFT LOT.
CENTRAL AIR. FIREPLACE.
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HARDBOARD CONSTRUCTION. BUILT IN 1992. 5,250 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. CV PORCH.
APPRAISAL 5/1992 BY INDEPENDENT APPRAISER.

- ☐ [5865 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$72,500(\$68.01/SQFT) ON 7/23/1999.

SOLD TO SAMUEL E JACKSON BY DAVIS GARY L ETUX
DEED: [JP1861](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$70,300. (CONVENTIONAL FIXED RATE). (UNION PLANTERS NATIONAL BANK).
1,066 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
HBSI CONSTRUCTION. BUILT IN 1993. AVERAGE CONDITION. 5,250 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. 4 APPLIANCES.
APPRAISAL 7/1999 BY INDEPENDENT APPRAISER.

☐ [4523 SHADOW CREEK](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$79,000(\$63.25/SQFT) ON 6/30/1999.

SOLD TO JOHNNY M & HATTIE J HITE BY BROWER CECIL V JR ETUX
DEED: [JM4115](#). [VIEW ALL GRANTOR/GRANTEES](#)
(NA).
1,249 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 GARAGE.
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DEED: [JK7484](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$72,863. (FHA FIXED). (FIRST TRUST MORTGAGE).
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APPRAISAL 7/1993 BY INDEPENDENT APPRAISER.

☐ [4517 SHADOW CREEK](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$76,500(\$56.37/SQFT) ON 3/30/1999.

SOLD TO HARRIS ADRAINE N BY KERRY K GOULD
DEED: [JY3103](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$76,460. (TF). (FIRST TENN BANK - KANSAS).
1,357 SQ. FT. 1.5 STORIES. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
SCWD CONSTRUCTION. BUILT IN 1992. AVERAGE CONDITION. 5,017 SQFT LOT.
CENTRAL AIR. FIREPLACE.
APPRAISAL 10/1999 BY INDEPENDENT APPRAISER.

☐ [5854 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$77,500(\$64.16/SQFT) ON 3/26/1999.

SOLD TO RAYMOND CALLAHAN BY BURROW JOSEPH B III ETAL
DEED: [JG1288](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$77,454. (FHA FIXED). (RESERVE MORTGAGE INVESTMENTS).
1,208 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRICK VENEER CONSTRUCTION. BUILT IN 1993. 5,608 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. NEW TREN.
APPRAISAL 1/1993 BY INDEPENDENT APPRAISER.

☐ [5836 HICKORY NUTT](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$72,000(\$63.05/SQFT) ON 3/26/1999.

SOLD TO TAMI W POE BY SANDERS DIANA E
DEED: [JF8191](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$76,000. (CONVENTIONAL FIXED RATE). (NATIONAL BANK OF COMMERCE).
1,142 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BRICK VENEER CONSTRUCTION. BUILT IN 1992. 5,405 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES.
APPRAISAL 9/1992 BY INDEPENDENT APPRAISER.

☐ [5835 HICKORY COMMONS](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$75,000(\$66.67/SQFT) ON 3/23/1999.

SOLD TO SAMMY & BEVERLY FRAZIER BY SIMS BOBBY N ETUX
DEED: [JG4892](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$72,750. (CONVENTIONAL FIXED RATE). (UNION PLANTERS NATIONAL BANK).

1,125 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
 BRICK VENEER CONSTRUCTION. BUILT IN 1993. 5,150 SQFT LOT.
 CENTRAL AIR. FIREPLACE. 4 APPLIANCES.
 APPRAISAL 4/1993 BY INDEPENDENT APPRAISER.

☐ [5884 HICKORY NUTT](#) - HICKORY COMMONS SUBDIVISION. SOLD FOR \$68,500(\$57.08/SQFT) ON 1/22/1999.

SOLD TO BETTY FAULKNER BY HOUSING AND URBAN DEV

DEED: [JC1083](#). [VIEW ALL GRANTOR/GRANTEES](#)

(NA).

1,200 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
 MSBR CONSTRUCTION. BUILT IN 1994. GOOD CONDITION. 5,000 SQFT LOT.
 CENTRAL AIR. FIREPLACE. 4 APPLIANCES. HUD SALE.
 APPRAISAL 10/1994 BY INDEPENDENT APPRAISER.

Sale Price	Square Feet	Price Per Sq Foot
Minimum: \$68,500	Minimum: 1,040	Minimum: \$56.37
Maximum: \$84,000	Maximum: 1,357	Maximum: \$71.15
Average: \$75,575	Average: 1,170	Average: \$64.90

Comparables were located based on the following criteria: HICKORY COMMONS neighborhoods.

Sale Date between 1/1/1999 and 12/31/1999.

All home types.

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Shelby County Custom Comparables Report

Prepared 6/17/2021 on CHANDLERREPORTS.COM by Chandler Reports

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Latest Comparable Sales:

- ☐ [3844 CEDAR PATH](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$51.38/SQFT) ON 12/31/1999.

SOLD TO OWENS ADELIA R BY DORAN L MORANVILLE
DEED: [JY8208](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (NATIONAL CITY HOME LOAN SERV).
1,090 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
FRAME CONSTRUCTION. BUILT IN 1979. AVERAGE CONDITION. 5,050 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE.
APPRAISAL 12/1999 BY INDEPENDENT APPRAISER.

- ☐ [5686 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$52.53/SQFT) ON 12/21/1999.

SOLD TO MARSHALL COREY L BY STAR INV LLC 5
DEED: [JY2801](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (CROSSLAND MTG CO).
1,066 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
WOOD CONSTRUCTION. BUILT IN 1979. AVERAGE CONDITION. 4,950 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE.
APPRAISAL 11/1999 BY INDEPENDENT APPRAISER.

- ☐ [5695 SHAGBARK](#) - PATHWAYS SUBDIVISION. SOLD FOR \$39,000(\$34.57/SQFT) ON 12/15/1999.

SOLD TO REIVES STANLEY R & BARBARA S BY FIN NETWORK HOMECOMINGS
DEED: [JY3522](#). [VIEW ALL GRANTOR/GRANTEES](#)
1,128 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
WOOD CONSTRUCTION. BUILT IN 1976. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. OTH SALE.
APPRAISAL 2/2000 BY INDEPENDENT APPRAISER.

- ☐ [5687 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$47.14/SQFT) ON 12/3/1999.

SOLD TO NELSON STEPHEN W BY MARKEY GRANBERRY
DEED: [JX0072](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$54,320. (TC). (UNION PLANTERS NATIONAL BANK).
1,188 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
WSI CONSTRUCTION. BUILT IN 1981. GOOD CONDITION. 4,500 SQFT LOT.
CENTRAL AIR. APPLIANCE. POOL. STM WNDS.
APPRAISAL 12/1986 BY INDEPENDENT APPRAISER.

- ☐ [5689 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$49.91/SQFT) ON 11/17/1999.

SOLD TO LINDA A JONES BY 5 STAR INV LLC
DEED: [JW2898](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (ADVANTAGE INV MTG).
1,122 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
BVSJ CONSTRUCTION. BUILT IN 1977. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. FIREPLACE. PATIO.FN.
APPRAISAL 1/1999 BY INDEPENDENT APPRAISER.

☐ [5686 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$40,000(\$37.52/SQFT) ON 10/14/1999.

SOLD TO 5 STARR INV LLC BY HOUSING AND URBAN DEV
DEED: [JV3589](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$42,750. (CONSTRUCTION OR REHAB). (BANK OF BRIGHTON).
1,066 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
WOOD CONSTRUCTION. BUILT IN 1979. AVERAGE CONDITION. 4,950 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. HUD SALE.
APPRAISAL 11/1999 BY INDEPENDENT APPRAISER.

☐ [5747 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$46.67/SQFT) ON 10/8/1999.

SOLD TO LINDA K REDEEMAR ETAL BY NGOZI IHEANYI J
DEED: [JU5817](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (PULASKI MORTGAGE CO).
1,200 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 1 FULL BATH.
BUILT IN 1976. 5,940 SQFT LOT.
ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

☐ [5733 WOODBOURNE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$55,990(\$49.37/SQFT) ON 9/30/1999.

SOLD TO ANTHONY G WALTON BY FROHS TED R ETUX
DEED: [JX3285](#). [VIEW ALL GRANTOR/GRANTEES](#)
1,134 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
FRAME CONSTRUCTION. BUILT IN 1978. AVERAGE CONDITION. 5,000 SQFT LOT.
CENTRAL AIR.
APPRAISAL 10/1999 BY INDEPENDENT APPRAISER.

☐ [5602 PATHWAY](#) - PATHWAYS SUBDIVISION. SOLD FOR \$61,000(\$55.66/SQFT) ON 9/9/1999.

SOLD TO ELLA HORTON ETAL BY SIMPSON LYTLE F ETAL
DEED: [JS6221](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$60,941. (FHA FIXED). (UNION PLANTERS NATIONAL BANK).
1,096 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
WOOD CONSTRUCTION. BUILT IN 1977. AVERAGE CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. 4 APPLIANCES. PATIO.
APPRAISAL 8/1999 BY INDEPENDENT APPRAISER.

☐ [5735 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$54,500(\$38.65/SQFT) ON 8/31/1999.

SOLD TO SUNJA A HARRIS BY SEXTON DEBORAH
DEED: [JT1376](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$54,471. (FHA FIXED). (COUNTRYWIDE HOME LOANS).
1,410 SQ. FT. 1.5 STORIES. 4 ROOMS. 3 BEDROOMS. 1 FULL BATH.
BUILT IN 1979. 4,500 SQFT LOT.
ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

☐ [5692 SHAGBARK](#) - PATHWAYS SUBDIVISION. SOLD FOR \$72,000(\$42.08/SQFT) ON 8/20/1999.

SOLD TO IMELDA N & DANIEL W WAFULA BY NOEL WILBUR L ETUX
DEED: [JR5811](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$71,932. (FHA FIXED). (PULASKI MORTGAGE CO).

1,711 SQ. FT. 1.5 STORIES. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 2 CARPORT.
WSI CONSTRUCTION. BUILT IN 1976. GOOD CONDITION. 5,488 SQFT LOT.
CENTRAL AIR. 4 APPLIANCES.
APPRAISAL 4/1987 BY INDEPENDENT APPRAISER.

☐ 3858 SHALLOW WOOD - PATHWAYS SUBDIVISION. SOLD FOR \$70,900(\$40.61/SQFT) ON 8/9/1999.

SOLD TO RUBY J TERRY BY EVANS JOHN
DEED: JR2251. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$69,911. (FHA FIXED). (BARTLETT MORTGAGE).
1,746 SQ. FT. 1.5 STORIES. 6 ROOMS. 4 BEDROOMS. 2 FULL BATHS.
BVWS CONSTRUCTION. BUILT IN 1971. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. 4 APPLIANCES.
APPRAISAL 3/1988 BY INDEPENDENT APPRAISER.

☐ 3626 MAPLE TREE - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$52.14/SQFT) ON 7/27/1999.

SOLD TO LULA TURNER BY FROHS TED R ETUX
DEED: JP7552. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (COUNTRYWIDE HOME LOANS).
1,074 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BUILT IN 1978. 5,000 SQFT LOT.
1 FIREPLACE. ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

☐ 5618 PATHWAY - PATHWAYS SUBDIVISION. SOLD FOR \$57,000(\$53.02/SQFT) ON 7/23/1999.

SOLD TO JENNIFER M BRAZEN BY HELMAN ROBERT G
DEED: JU6332. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$56,970. (TF). (AMERICAN MORTGAGE SERVICES).
1,075 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
WOOD CONSTRUCTION. BUILT IN 1979. AVERAGE CONDITION. 4,500 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. DEN.
APPRAISAL 7/1999 BY INDEPENDENT APPRAISER.

☐ 5689 MAPLE TREE - PATHWAYS SUBDIVISION. SOLD FOR \$38,000(\$33.87/SQFT) ON 7/15/1999.

SOLD TO FIVE STAR INV LLC BY OCWEN FED BK FSB
DEED: JP1535. [VIEW ALL GRANTOR/GRANTEES](#)
(NA).
1,122 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
BVISI CONSTRUCTION. BUILT IN 1977. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. FIREPLACE. 2 APPLIANCES. OCW SALE.
APPRAISAL 1/1999 BY INDEPENDENT APPRAISER.

☐ 5748 WOODBOURNE - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$51.09/SQFT) ON 7/1/1999.

SOLD TO PATRICIA A TALL BY NGOZI THEANYI
DEED: JN1981. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (UNION PLANTERS NATIONAL BANK).
1,096 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH.
BUILT IN 1977. 4,930 SQFT LOT.
ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

☐ [5747 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$30,000(\$25.00/SQFT) ON 6/21/1999.

SOLD TO IHEANYI J NGOZI BY THURMAN GARY ETUX
DEED: [JL8779](#). [VIEW ALL GRANTOR/GRANTEES](#)
(NA).
1,200 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 1 FULL BATH.
BUILT IN 1976. 5,940 SQFT LOT.
ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

☐ [5695 SHAGBARK](#) - PATHWAYS SUBDIVISION. SOLD FOR \$44,200(\$38.84/SQFT) ON 6/11/1999.

SOLD TO HOMECOMINGS FIN NTEWORK INC BY WEISS ARNOLD M S TR
DEED: [JM1015](#). [VIEW ALL GRANTOR/GRANTEES](#)
(NA).
1,138 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 GARAGE.
BVSJ CONSTRUCTION. BUILT IN 1976. AVERAGE CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. TRU SALE.
APPRAISAL 6/1999 BY INDEPENDENT APPRAISER.

☐ [5747 WOODBOURNE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$51.71/SQFT) ON 4/30/1999.

SOLD TO JUANITA E DAVIS BY BUFORD BARBARA J
DEED: [JH9860](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (FHA FIXED). (BANK OF BRIGHTON).
1,083 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
HARDBOARD CONSTRUCTION. BUILT IN 1978. AVERAGE CONDITION. 5,040 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. CV PATIO.
APPRAISAL 10/1992 BY INDEPENDENT APPRAISER.

☐ [5635 PATHWAY](#) - PATHWAYS SUBDIVISION. SOLD FOR \$64,000(\$43.48/SQFT) ON 4/28/1999.

SOLD TO VERNITA RODGERS BY WILLIAM MCCLURE LP
DEED: [JL4808](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$60,880. (CONVENTIONAL FIXED RATE). (OTHER).
1,472 SQ. FT. 2.0 STORIES. 7 ROOMS. 4 BEDROOMS. 2 FULL BATHS.
WOOD CONSTRUCTION. BUILT IN 1977. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. 4 APPLIANCES.
APPRAISAL 3/1999 BY INDEPENDENT APPRAISER.

☐ [5743 WOODBOURNE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$52.39/SQFT) ON 4/15/1999.

SOLD TO TAMMIE R BROWN BY ALEXANDER TERRY R
DEED: [JH3772](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$54,300. (TF). (UNION PLANTERS NATIONAL BANK).
1,069 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
FBD CONSTRUCTION. BUILT IN 1975. FAIR CONDITION. 4,500 SQFT LOT.
CENTRAL AIR. FIREPLACE. 2 APPLIANCES.
APPRAISAL 1/1992 BY INDEPENDENT APPRAISER.

☐ [3858 SHALLOW WOOD](#) - PATHWAYS SUBDIVISION. SOLD FOR \$37,557(\$21.51/SQFT) ON 2/25/1999.

SOLD TO JOHN EVANS BY HOUSING AND URBAN DEV
DEED: [JE0991](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$43,000. (CONVENTIONAL OTHER). (COMMUNITY MORTGAGE CORP).
1,746 SQ. FT. 1.5 STORIES. 6 ROOMS. 4 BEDROOMS. 2 FULL BATHS.

BVWS CONSTRUCTION. BUILT IN 1971. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. 4 APPLIANCES. HUD SALE.
APPRAISAL 3/1988 BY INDEPENDENT APPRAISER.

- ☐ [5682 SHAGBARK](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$52.04/SQFT) ON 2/17/1999.

SOLD TO JANET L ECHOLS BY TRUSTY CLINTON N
DEED: [JD5434](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,971. (TF). (RESERVE MORTGAGE INVESTMENTS).
1,076 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
FRAME CONSTRUCTION. BUILT IN 1978. GOOD CONDITION. 4,500 SQFT LOT.
CENTRAL AIR. FIREPLACE. DEN. 4 APPLIANCES.
APPRAISAL 9/1984 BY INDEPENDENT APPRAISER.

- ☐ [5895 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$69,500(\$58.75/SQFT) ON 2/8/1999.

SOLD TO JOE L & PATRICIA A WRIGHT BY TOMAR ENTPRS ETAL
DEED: [JC9211](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$59,075. (CONVENTIONAL FIXED RATE). (OTHER).
1,183 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
BRICK VENEER/FRAME CONSTRUCTION. BUILT IN 1978. AVERAGE CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. FIREPLACE. APPLIANCE.
APPRAISAL 1/1999 BY INDEPENDENT APPRAISER.

- ☐ [5751 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$56,000(\$40.46/SQFT) ON 2/5/1999.

SOLD TO TRACY BROWN-SEITZ BY BATES VALDA M
DEED: [JC9208](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,697. (TF). (UNION PLANTERS NATIONAL BANK).
1,384 SQ. FT. 1.0 STORY. 6 ROOMS. 2 BEDROOMS. 2 FULL BATHS.
BUILT IN 1977. 5,014 SQFT LOT.
ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

- ☐ [5730 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$67,500(\$50.19/SQFT) ON 2/2/1999.

SOLD TO EDDIE ARMSTRONG JR BY G&M INV LLC
DEED: [JC7077](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$66,948. (FHA FIXED). (UNION PLANTERS NATIONAL BANK).
1,345 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS.
BUILT IN 1979. 5,150 SQFT LOT.
ASSESSOR.
APPRAISAL 1/1998 BY COUNTY ASSESSOR'S OFFICE.

- ☐ [5685 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$62,000(\$54.63/SQFT) ON 1/25/1999.

SOLD TO MELINDA IROABUCHI BY WILLIAMS TIM ETUX
DEED: [JC5204](#). [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$55,800. (TWO MORTGAGES TAKEN AT SALE). (FIRST CONSOLIDATED MTG CO).
1,135 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
FRAME CONSTRUCTION. BUILT IN 1978. GOOD CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. 1 FIREPLACE. DEN. 4 APPLIANCES.
APPRAISAL 8/1997 BY INDEPENDENT APPRAISER.

- ☐ [5714 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$57,500(\$51.16/SQFT) ON 1/15/1999.

SOLD TO CHEVALE L LEWIS BY STURDICANT L HAYS ETUX

DEED: JC1142. [VIEW ALL GRANTOR/GRANTEES](#)

MORTGAGE FOR \$56,809. (TF). (HOME LOAN CORP DBA EXPANDED MTG CREDIT).

1,124 SQ. FT. 1.0 STORY, 5 ROOMS, 3 BEDROOMS, 2 FULL BATHS, 1 CAR ATTACHED GARAGE.

VINYL SIDING CONSTRUCTION, BUILT IN 1977. AVERAGE CONDITION. 5,390 SQFT LOT.

CENTRAL AIR, 1 FIREPLACE, DEN, 4 APPLIANCES.

APPRAISAL 12/1998 BY INDEPENDENT APPRAISER.


Sale Price	Square Feet	Price Per Sq Foot
Minimum: \$30,000	Minimum: 1,066	Minimum: \$21.51
Maximum: \$72,000	Maximum: 1,746	Maximum: \$58.75
Average: \$54,880	Average: 1,224	Average: \$45.58

Comparables were located based on the following criteria: PATHWAYS neighborhoods.

Sale Date between 1/1/1999 and 12/31/1999.

All home types.

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Shelby County Custom Comparables Report

Prepared 6/17/2021 on CHANDLERREPORTS.COM by Chandler Reports

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New!

Latest Comparable Sales:

- ☐ [5708 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$54,634(\$49.13/SQFT) ON 12/16/1993.

SOLD TO BRENDA G GARDNER BY ANTHONY G WELLS
DEED: [EB3789](#). [VIEW ALL GRANTOR/GRANTEES](#)
(NA).

1,112 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 GARAGE.
WD CONSTRUCTION. BUILT IN 1980. EXCELLENT CONDITION. 5,150 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES.
APPRAISAL 8/1986 BY INDEPENDENT APPRAISER.

- ☐ [5714 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$50,000(\$44.72/SQFT) ON 12/2/1993.

SOLD TO THURMAN HODGES BY VETERANS AFFAIRS ADM
DEED: [EA8940](#). [VIEW ALL GRANTOR/GRANTEES](#)

MORTGAGE FOR \$46,500. (VA FIXED). (ADM. VETERANS AFFAIRS).
1,118 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
WD CONSTRUCTION. BUILT IN 1978. GOOD CONDITION. 4,700 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. AVA SALE.
APPRAISAL 8/1986 BY INDEPENDENT APPRAISER.

- ☐ [5894 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$46,000(\$40.96/SQFT) ON 12/2/1993.

SOLD TO KENNETH L WATSON BY HOUSING & URBAN DEVELOPMENT
DEED: [EA4391](#). [VIEW ALL GRANTOR/GRANTEES](#)

MORTGAGE FOR \$45,958. (FHA FIXED). (COMMUNITY MORTGAGE CORP).
1,123 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
MS CONSTRUCTION. BUILT IN 1979. FAIR CONDITION. 5,150 SQFT LOT.
FIREPLACE. 4 APPLIANCES. HUD SALE.
APPRAISAL 10/1993 BY INDEPENDENT APPRAISER.

- ☐ [5869 SHAGBARK](#) - PATHWAYS SUBDIVISION. SOLD FOR \$49,000(\$42.39/SQFT) ON 11/19/1993.

SOLD TO CHRISTOPHER A & LESLIE A JONES BY ALBERT R DEEGLER
DEED: [EB5511](#). [VIEW ALL GRANTOR/GRANTEES](#)

MORTGAGE FOR \$45,500. (WRAPAROUND). (SELLER).
1,156 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH.
WSST CONSTRUCTION. BUILT IN 1977. FAIR CONDITION. 3,486 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. FENCE.
APPRAISAL 5/1985 BY INDEPENDENT APPRAISER.

- ☐ [5658 MAPLE TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$51,998(\$45.41/SQFT) ON 10/29/1993.

SOLD TO TRACY G & ROSEMARY JOHNSON BY MAXINE F JOHNSON
DEED: [DY6856](#). [VIEW ALL GRANTOR/GRANTEES](#)

MORTGAGE FOR \$7,000. (CONVENTIONAL SECOND). (SELLER).
1,145 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
MAS CONSTRUCTION. BUILT IN 1978. GOOD CONDITION. 4,950 SQFT LOT.
CENTRAL AIR. FIREPLACE. DEN. 4 APPLIANCES.
APPRAISAL 7/1978 BY INDEPENDENT APPRAISER.

☐ 5621 PATHWAY - PATHWAYS SUBDIVISION. SOLD FOR \$48,900(\$42.86/SQFT) ON 10/1/1993.

SOLD TO REGINALD L PLEAS BY MELISSA P COOK
DEED: DX2840. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$49,800. (FHA FIXED). (EMPIRE MORTGAGE).
1,141 SQ. FT. 1.0 STORY. 6 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
FIBR CONSTRUCTION. BUILT IN 1979. 5,200 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. PATI/FEN.
APPRAISAL 9/1993 BY INDEPENDENT APPRAISER.

☐ 3867 PINBRANCH CT - PATHWAYS SUBDIVISION. SOLD FOR \$48,900(\$43.05/SQFT) ON 7/30/1993.

SOLD TO BRENDA J NUGENT BY CHARLES E ROLLINS
DEED: DT6914. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$49,903. (TENNESSEE HOUSING DEVELOPMENT). (BARTLETT MORTGAGE).
1,136 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 GARAGE.
BRICK VENEER CONSTRUCTION. BUILT IN 1977. GOOD CONDITION. 2,967 SQFT LOT.
CENTRAL AIR. 4 APPLIANCES. POOL.
APPRAISAL 5/1993 BY INDEPENDENT APPRAISER.

☐ 5711 MAPLE TREE - PATHWAYS SUBDIVISION. SOLD FOR \$38,000(\$33.51/SQFT) ON 7/30/1993.

SOLD TO ALLEN L SESLEY BY HOUSING & URBAN DEVELOPMENT
DEED: DT6882. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$39,140. (FHA ADJUSTABLE RATE). (FIRST SOUTHERN MORTGAGE).
1,134 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
MSST CONSTRUCTION. BUILT IN 1981. FAIR CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. FIREPLACE. 4 APPLIANCES. HUD SALE.
APPRAISAL 5/1993 BY INDEPENDENT APPRAISER.

☐ 5748 WOODBOURNE - PATHWAYS SUBDIVISION. SOLD FOR \$47,048(\$42.93/SQFT) ON 6/21/1993.

SOLD TO PHILLIP HARPER BY JACKIE T BARNES
DEED: DR3815. [VIEW ALL GRANTOR/GRANTEES](#)
(NA).
1,096 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 1 FULL BATH. 1 HALF BATH.
FRAME CONSTRUCTION. BUILT IN 1977. AVERAGE CONDITION. 4,930 SQFT LOT.
CENTRAL AIR. ASSESSOR.
APPRAISAL 1/1992 BY COUNTY ASSESSOR'S OFFICE.

☐ 5655 MAPLE TREE - PATHWAYS SUBDIVISION. SOLD FOR \$46,000(\$40.71/SQFT) ON 3/25/1993.

SOLD TO SHERILYN J SMITH BY KELLY PRUITT
DEED: DP6875. [VIEW ALL GRANTOR/GRANTEES](#)
MORTGAGE FOR \$47,391. (FHA FIXED). (CLM).
1,130 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 GARAGE.
WOOD CONSTRUCTION. BUILT IN 1978. AVERAGE CONDITION. 5,200 SQFT LOT.
CENTRAL AIR. FIREPLACE. DEN. 4 APPLIANCES.
APPRAISAL 5/1993 BY INDEPENDENT APPRAISER.

☐ 3867 PINBRANCH CT - PATHWAYS SUBDIVISION. SOLD FOR \$26,681(\$23.72/SQFT) ON 2/19/1993.

SOLD TO CHARLES E ROLLINS BY HOUSING & URBAN DEVELOPMENT
DEED: DJ4581. [VIEW ALL GRANTOR/GRANTEES](#)
(NA).

1,125 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CAR ATTACHED GARAGE.
MSST CONSTRUCTION. BUILT IN 1977. PROPOSED CONDITION. 2,967 SQFT LOT.
CENTRAL AIR. 4 APPLIANCES. HUD SALE.
APPRAISAL 10/1992 BY INDEPENDENT APPRAISER.

☐ [3820 CEDAR PATH](#) - PATHWAYS SUBDIVISION. SOLD FOR \$46,652(\$44.01/SQFT) ON 2/9/1993.

SOLD TO CAROLYN G BARNARD BY JOSEPHINE E HARDEBECK

DEED: [DJ0001](#). [VIEW ALL GRANTOR/GRANTEES](#)

(NA).

1,060 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS. 1 CARPORT.

WSI CONSTRUCTION. BUILT IN 1980. GOOD CONDITION. 5,445 SQFT LOT.

CENTRAL AIR. FIREPLACE. 4 APPLIANCES. STM WINDS.

APPRAISAL 5/1986 BY INDEPENDENT APPRAISER.

☐ [5715 WINTER TREE](#) - PATHWAYS SUBDIVISION. SOLD FOR \$47,500(\$44.06/SQFT) ON 2/1/1993.

SOLD TO DOLLY V STARKS BY TERRI L BINGHAM

DEED: [DJ0630](#). [VIEW ALL GRANTOR/GRANTEES](#)

MORTGAGE FOR \$49,300. (FHA FIXED). (FIRST SOUTHERN MORTGAGE).

1,078 SQ. FT. 1.0 STORY. 5 ROOMS. 3 BEDROOMS. 2 FULL BATHS.

FBD CONSTRUCTION. BUILT IN 1982. AVERAGE CONDITION. 4,500 SQFT LOT.

CENTRAL AIR. 4 APPLIANCES. PORCH.

APPRAISAL 1/1993 BY INDEPENDENT APPRAISER.

Sale Price	Square Feet	Price Per Sq Foot
Minimum: \$28,681	Minimum: 1,060	Minimum: \$23.72
Maximum: \$54,634	Maximum: 1,156	Maximum: \$49.13
Average: \$46,255	Average: 1,120	Average: \$41.34

Comparables were located based on the following criteria: PATHWAYS neighborhoods.

Sale Date between 1/1/1993 and 12/31/1993.

All home types.

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**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 3 August 2021
DATE

PUBLIC SESSION: 3 August 2021
DATE

ITEM (CHECK ONE)

☐ ORDINANCE ☐ CONDEMNATIONS ☐ GRANT ACCEPTANCE / AMENDMENT
☒ RESOLUTION ☐ GRANT APPLICATION ☐ REQUEST FOR PUBLIC HEARING
☐ OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a planned commercial development

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

RECOMMENDATION: The Division of Planning and Development recommended:
The Land Use Control Board recommended:

Rejection
Approval with outline plan conditions

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
10 June 2021 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT #
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

MUNICIPAL PLANNER

DEPUTY ADMINISTRATOR

ZONING ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-15

Resolution approving a special use permit for a planned commercial development:

- This item is a resolution approving a special use permit for a planned commercial development with outline plan conditions;
- The development would include gas pumps;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: MVS Real Estate Mid Town, LLC; Applicant: Spire Enterprises; and Representative: John Behnke; and
- This resolution, if approved, would supersede the existing zoning of this property.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2977 BROAD AVE., KNOWN AS CASE NUMBER PD 21-15.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Spire Enterprises filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned commercial development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned commercial developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit for a planned commercial development.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit for a planned commercial development is hereby granted in accordance with the attached outline plan conditions.

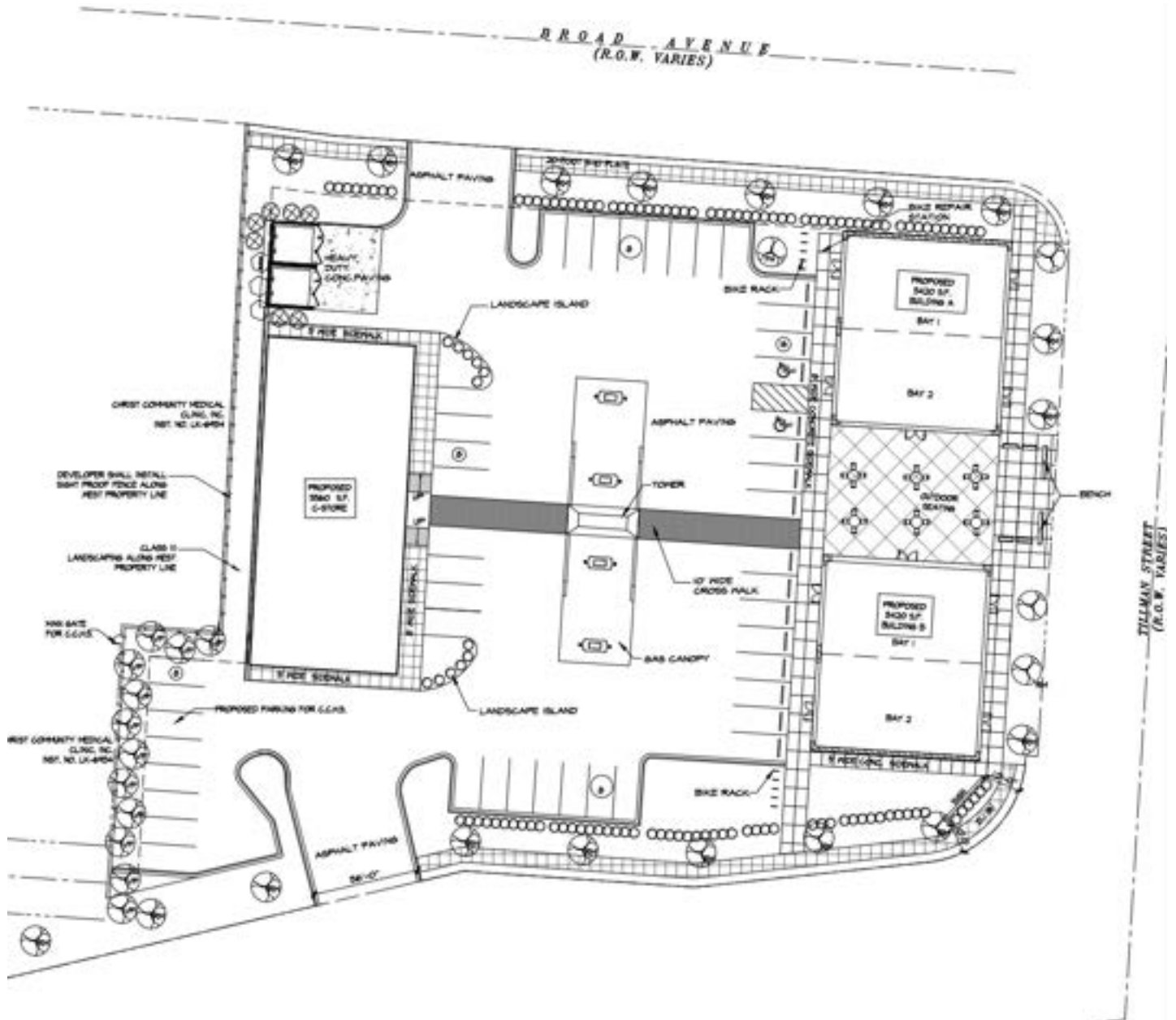
BE IT FURTHER RESOLVED, this resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
- II. Site Design
 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

CONCEPTUAL SITE PLAN



ATTEST:

CC: Division of Planning and Development
– Land Use and Development Services
– Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on ***Thursday 10 June 2021***, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 21-15
DEVELOPMENT:	Broad Avenue Plaza Planned Development
LOCATION:	2977 Broad Ave.
COUNCIL DISTRICT(S):	District 5 and Super District 9
OWNER:	MVS Real Estate Mid Town, LLC
APPLICANT:	Spire Enterprises
REPRESENTATIVE:	John Behnke
REQUEST:	Special use permit for a planned commercial development
EXISTING ZONING:	Residential – 6 and Commercial Mixed Use – 1
AREA:	1.6 acres

The following spoke in support of the application: John Behnke

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with outline plan conditions. Those conditions are attached.

The motion *passed*.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

I. Permitted Uses, Building Envelope Standards, and General Development Standards

A. As if zoned Commercial Mixed Use – 2, with the following exceptions:

- i. The maximum height shall be 48 feet.
- ii. A Class III landscape buffer shall be installed along the western property line.
- iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
- iv. No window signs or plastic signs shall be permitted.
- v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
- vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

AGENDA ITEM: 12

L.U.C.B. MEETING: 10 June 2021

CASE NUMBER: PD 21-15
DEVELOPMENT: Broad Avenue Plaza Planned Development
LOCATION: 2977 Broad Avenue
COUNCIL DISTRICT: District 5 and Super District 9
OWNER: MVS Real Estate Mid Town, LLC
APPLICANT: Spire Enterprises
REPRESENTATIVE: John Behnke
REQUEST: Special use permit for a planned commercial development
AREA: 1.6 acres
EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

CONCLUSIONS (p. 21)

- Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.
- The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.
- In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.
- The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.
- The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.
- The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.
- Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.
- Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)

Per the Dept. of Comprehensive Planning, this request is *inconsistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 22)

Rejection

GENERAL INFORMATION

Street Frontage:	Tillman Street	(Minor Arterial)	169 linear feet
	Sam Cooper Boulevard	(Minor Arterial)	388 curvilinear feet
	Broad Avenue	(Major Collector)	258 linear feet
Zoning Atlas Page:	2035		
Parcel ID:	037039 00009C		
Existing Zoning:	Residential – 6 and Commercial Mixed Use – 1		

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on-site at 6 p.m. on 26 May 2021.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Binghamton

LINCOLN PARK SUBDIVISION
OWNED BY
LINCOLN PARK LAND CO

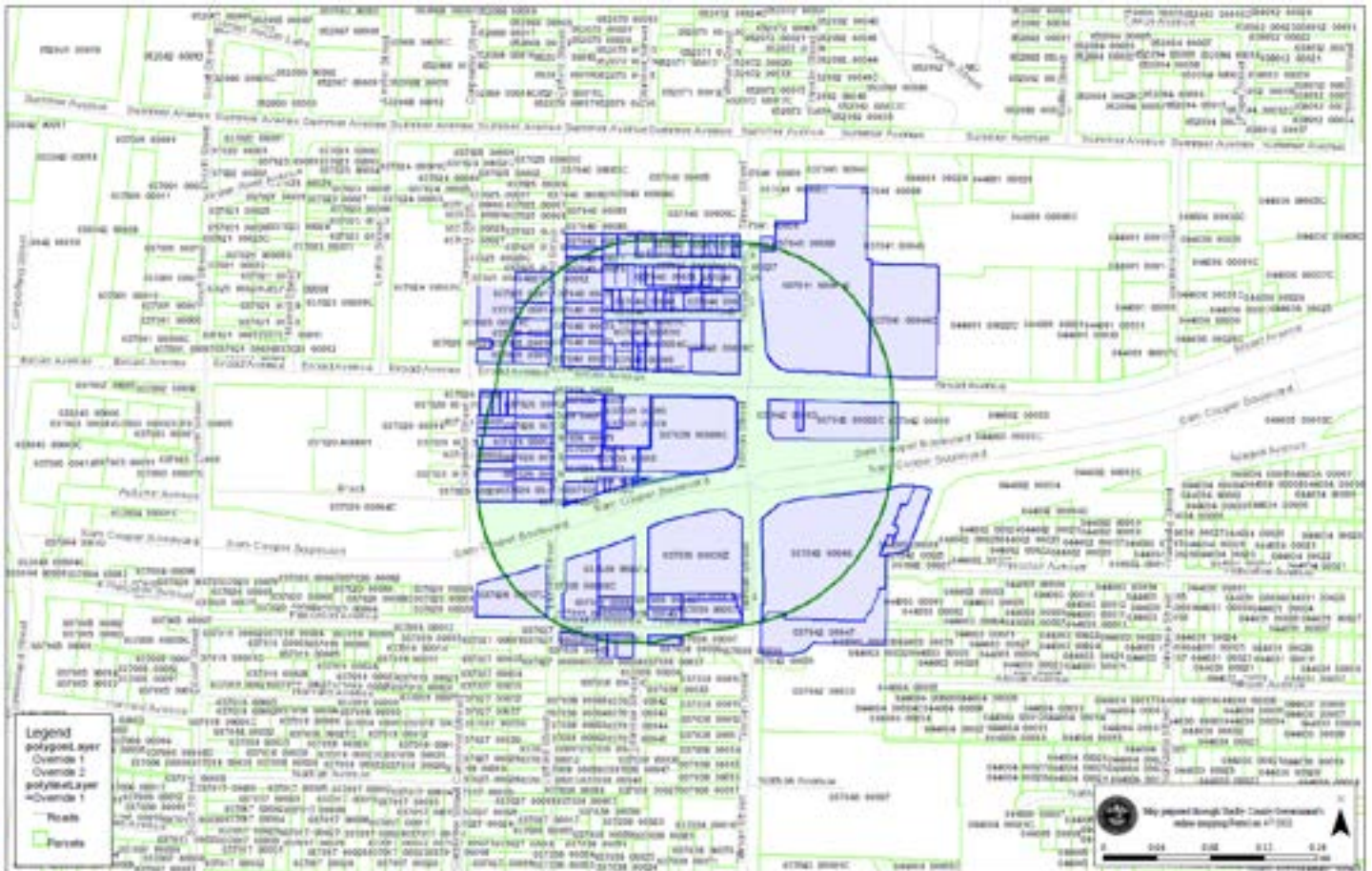
DATE FILED: 1907
FILED IN: 1907
PAGE: 1

(The following text is a transcription of the legal description and signatures found in the image, which appears to be a duplicate or a very similar document to the one in the first block.)

The hereto adopted the plat as the plan of subdivision of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 7

4

VICINITY MAP



AERIAL PHOTO WITH ZONING

Without planning applications



Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

Surrounding Zoning

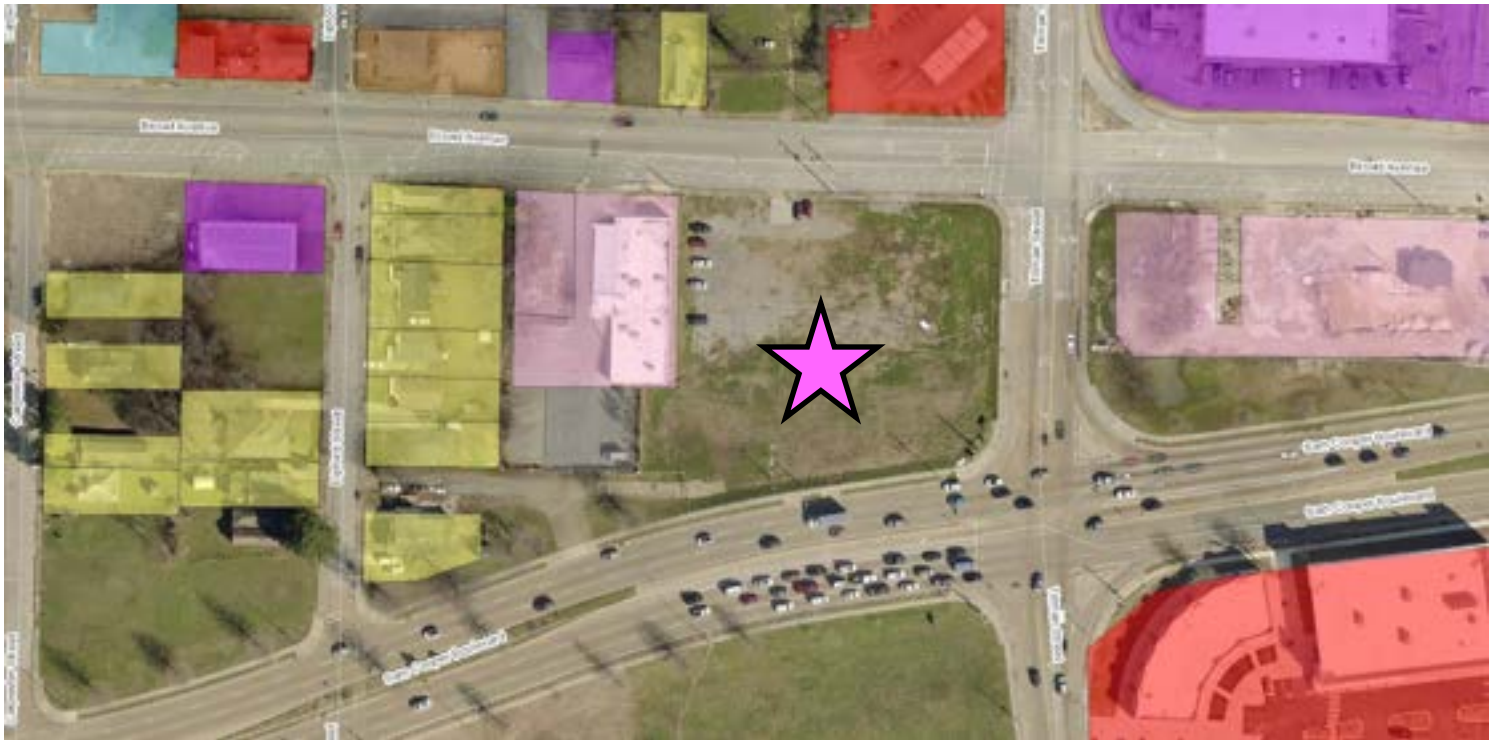
North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3











East: Commercial Mixed Use – 3

South: Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

LAND USE MAP



-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT

SITE PHOTO



View of part of site, looking east down Sam Cooper

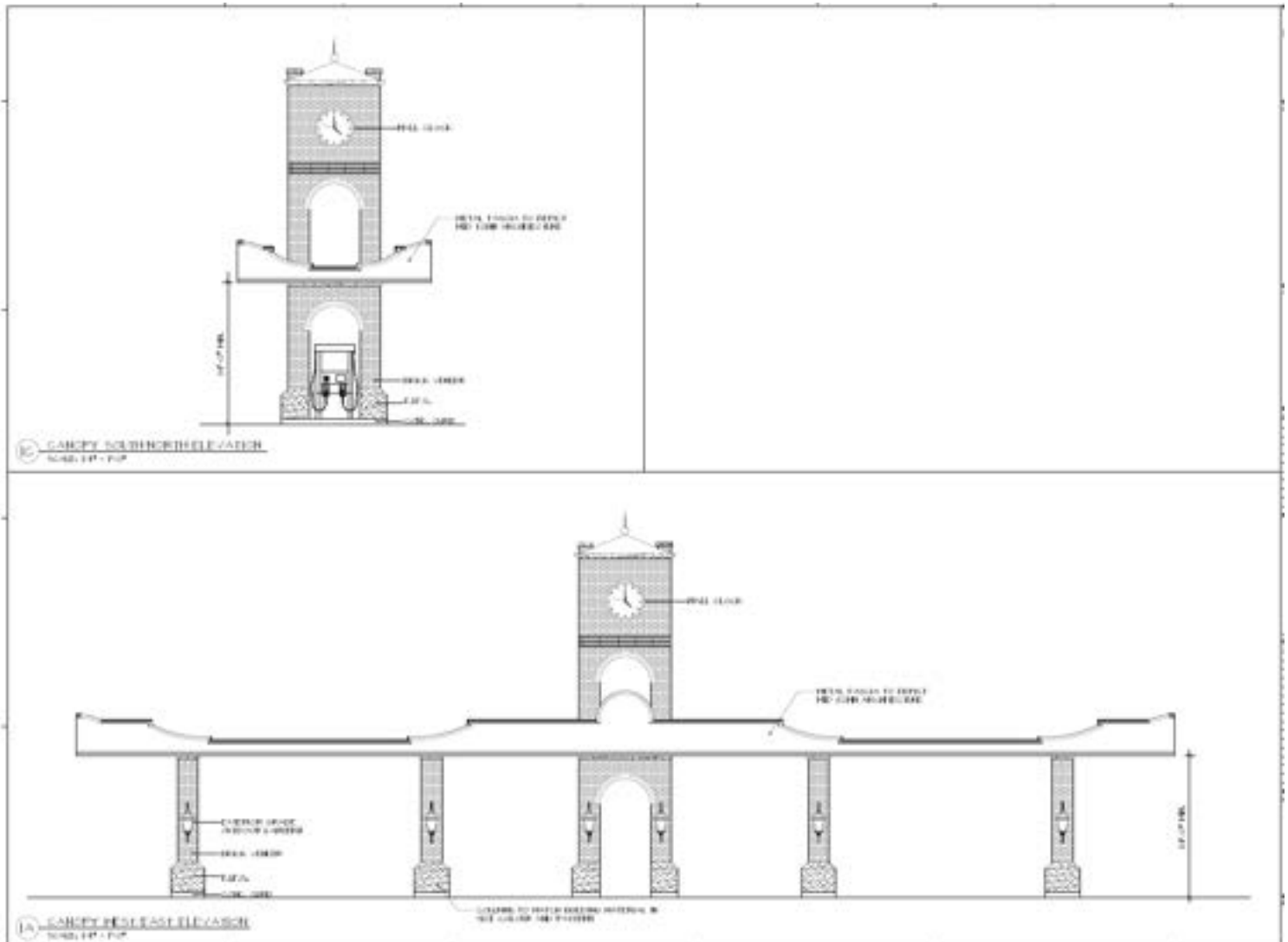
[illegible]

9

PROPOSED CONCEPTUAL ELEVATIONS







PROPOSED CONCEPTUAL RENDERINGS









STAFF ANALYSIS

Request

The request is for a special use permit for a planned commercial development with gas pumps.

The application form and letter of intent have been added to this report.

Applicability

Staff **disagrees** that at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff **disagrees** the general provisions as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff **agrees** the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. **Screening**
When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. **Display of Merchandise**
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. **Accessibility**
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. **Landscaping**
Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff **disagrees** the special use permit approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded, although – because one was filed for review – the Council approval does not expire until December 2021. In 2021, Council approved the closure of part of the adjacent Autumn Ave. right-of-way. That land has been included in the plans of the present proposal, although the right-of-way has not yet been closed.

Plan Review

A full plan review will take place during final plan review, if approved.

Staff Inspiration Photo



A pedestrian area in New Orleans mediates retail access from both the rear parking area and street sidewalk, provides a quasi-public space and restaurant seating, and acts as a mental entryway.

Conclusions

Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.

In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.

The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.

The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.

The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.

Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.

Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following outline plan conditions:

I. Permitted Uses, Building Envelope Standards, and General Development Standards

A. As if zoned Commercial Mixed Use – 2, with the following exceptions:

- i. The maximum height shall be 48 feet.
- ii. A Class III landscape buffer shall be installed along the western property line.
- iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
- iv. No window signs or plastic signs shall be permitted.
- v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
- vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. The existing raised median opening for the cycle track on Broad Avenue does not appear to match the proposed curb cut. The median opening shall be reconstructed along with the installation of the necessary pavement markings, signage, and delineators.
7. The existing median opening on Tillman shall be closed by extending the median and filling in the break.
8. Sidewalks shall be installed along all street frontages.
9. Dedicate a chord from end of property line radius to end of property line radius at the corner of Tillman Street at Sam Cooper for the establishment of a Traffic Signal Easement.

Traffic Control Provisions:

10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

12. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

13. The City Engineer shall approve the design, number and location of curb cuts.
14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

15. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
18. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

20. The Site Plan lacks basic information such as street curb lines, sidewalk, cycle track medians, etc.
21. Eliminate the multiple extraneous property lines from the Site Plan.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



“AN-M” Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

“AN-M” Form & Location Characteristics:

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

The request does not meet the criteria of AN-M, Accelerate because the proposed Planned development is located along SW corner of Tillman and Broad Avenue which are identified as avenue and parkway in the Street Types Map. The same type of uses does not exist on one or more adjacent parcels.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Office, Parking, Vacant, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and R-6. This requested land use is compatible with the adjacent zoning districts because *existing zoning district surrounding the parcels is dissimilar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site in Accelerate Degree of Change area.

5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

The proposed application is incongruent with the degree of change designation as it does not address the public realm or promote pedestrian-oriented infill development.

Based on the information provided, the proposal IS INCONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmey, Comprehensive Planning.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.
Dept. of Construction Enforcement:	No comments received.

APPLICATION FORM



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: April 8th, 2021

Case #: PD 21-015

PLEASE TYPE OR PRINT

Name of Development: Broad Avenue Plaza

Property Owner of Record: MVS Real Estate Mid Town LLC

Phone #:

Mailing Address: 555 Trinity Creek Cove

City/State: Cordona/TN

Zip 38018

Property Owner E-Mail Address:

Applicant: Spire Enterprises

Phone # 901-494-1559

Mailing Address: P.O. Box 77065

City/State: Memphis/TN

Zip 38177

Applicant E-Mail Address: realestate@johnbehnke.us

Representative: John Behnke

Phone #: 901-494-1559

Mailing Address: P.O. Box 77065

City/State: Memphis/TN

Zip 38177

Representative E-Mail Address: realestate@johnbehnke.us

Engineer/Surveyor: David Bray, P.E. - The Bray Firm

Phone # 901-383-8668

Mailing Address: 2950 Stage Plaza North

City/State: Bartlett/TN

Zip 38134

Engineer/Surveyor E-Mail Address: dgbray@comcast.net

Street Address Location: 2977 Broad Avenue, Memphis, TN 38112-2957

Distance to nearest intersecting street: property located at the corner of Sam Cooper Blvd/Broad Avenue & Tillman Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	1.636		
Existing Zoning:	commercial		
Existing Use of Property	vacant land		
Requested Use of Property	retail shops/C-store		

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A

Bedrooms: N/A

Expected Appraised Value per Unit: N/A

or Total Project: N/A

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes ☐ No ☒

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The proposed development will not effect the above. The subject site is located at the corner of a high traffic corridor and surrounding properties are already developed. The proposed use is compatible with the other commercial uses nearby and will not negatively impact their use, value or enjoyment.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

These infrastructure items are already present or will be added concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The site plan provides for thoughtful arrangement of all design elements to be in harmony surrounding land uses.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The project will comply with the design standards of PD 15-318.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

The community plaza will have a contact person and/or system for scheduling.

- Lots of records are created with the recording of a planned development final plan.

N/A

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Fall 2020 with Mr. Brett Davis

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

<u>Todd Tobias</u>	<u>04.08.2021</u>	<u>John Behnke</u>	<u>04/08/2021</u>
Property Owner of Record	Date	Applicant	Date

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT



April 4th, 2021

Brett Davis
Land Use & Development Services
Memphis & Shelby County division of Planning & Development
City Hall, 125 N. Main Street, Suite 477
Memphis, Tennessee 38103

Re: Application for Planned Development approval
Convenience store w/pumps | retail bays | community plaza
2977 Broad Avenue, Memphis, TN 38112

Dear Mr. Davis,

We are pleased to submit an Application for a Planned Development on behalf of San Investment 5 LLC, as applicant and also the existing owner of the subject property requesting approval for the development. The purpose of this application is to request approval for a Planned Development to allow a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

Consultation with planning staff for pre-application review began in July 2020, however, the most recent review was done January 4th, 2021 to discuss the request, obtain forms, review process and look at mapping/plans of the proposed site.

The subject property is 1.636 acres in size in zoning district CMU-1. The land has been vacant for many years with previous development attempts having not been pursued. A planned development (PD15-318) was approved in December of 2015 which permitted convenience store with pumps.

Under the applicant's proposal the site will be developed with a new 8,365 sq. ft. multi-architectural designed building facing to the interior with pedestrian access to each store from Tillman. There will be up to 6 retail bays, a convenience store with 4 gasoline fuel pumps for a total of 8 individual pumps and a community plaza. The end cap stores will have covered outdoor seating. A bike rack with a bike aire/repair station will be located at the front of the complex for use free of charge. An original concept fuel canopy with a clock tower has been integrated in to the design. The stores and exterior parking lot will be well lighted with numerous security cameras. There will be a total of 26 parking spaces with two reserved for handicap. Landscaping is planned for all sides of the property. A community plaza with its own canopy, landscaping and power hook-ups will be on the East side of the property.

Traffic flow will ingress/egress primarily from Sam Cooper Boulevard and to a lesser degree from Broad Avenue with a single curb cut for each. The breaks in the land curbs on Broad Avenue will be reconfigured for access alignment. The gasoline pump placement will provide an efficient queuing pattern and ease of maneuverability within the site. At the request of Rev. Keith Norman of First Baptist Church, the applicant will work with DPD and Traffic Engineering for a signal at Broad Avenue and Tillman Street.



The Long Range Transportation Plan has designated Sam Cooper as an Urban Freeway, Tillman as an Urban Minor Arterial and Broad Avenue as an Urban Other Principal Arterial. The traffic flow to and from the store will have negligible impact on residential areas.

Pursuant to Section 9.69 and Section 2.6.3-J of the UDC, Planned Development/SUP Permit Criteria a permit may be granted providing the stated criteria are met. [see attached for more detail] To wit:

- The drive thru queuing spaces and proposed uses streamline traffic flow/turning movements within the site and provide safe, easy access to and fro at the location. Ample parking spaces are provided to accommodate customers and employees.
- Overall uses at the property will provide desired services to the area and to travelers from Sam Cooper Blvd and is also pedestrian friendly.
- Adjacent properties will benefit from a clean, secure and modern retail center, convenience store facility and a community plaza.
- Adequate emergency services and street, sidewalk, curb cuts, utilities and sewer capacity exist.
- The completed design will be congruent with the surrounding area and its primary goal will be to serve the people nearby striving for a pleasant consumer shopping experience as well as the opportunity for a community gathering place.
- It is unlikely that any investor would develop this land for residential use.

Spire Enterprises is requesting a finding that developing the land for retail stores, a convenience store with gasoline pumps and community plaza at the subject site would be substantially in compliance with the policies, goals, objectives and spirit of Memphis/Shelby County zoning ordinance(s) and that a Planned Development for the proposed use should be granted.

Thank you,

SPIRE ENTERPRISES

John Behnke
Consultant

PROPERTY OWNER'S AFFIDAVIT



Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledges by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, MVS Real Estate Mid-Town LLC, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

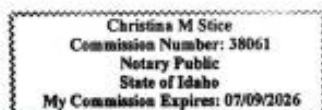
☒ I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

☐ I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 2977 Broad Avenue Memphis 38112 and further identified by Assessor's Parcel Number 037039 0009C, for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 12th day of April in the year of 2021

Signature of Notary Public



MVS - Todd Tobias, Principal

My Commission Expires 07-09-2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behnke, being duly sworn, depose and say that at 3:00 am on the 4th day of May, 2021, I posted a Public Notice Sign(s) pertaining to Case No. _____ at _____ providing notice of a Public Hearing before the xxx Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, xxx Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

John Behnke
Owner, Applicant or Representative

MAY 5th, 2021
Date

Subscribed and sworn to before me this 5th day of May, 2021.

[Signature]
Notary Public

My commission expires: **MY COMMISSION EXPIRES
APRIL 22, 2022**



LETTERS RECEIVED

One letter of opposition was received at the time of publication. It is pasted below.

Hi Brett!

My name is Sean Davis and I am a lifelong resident of Memphis, TN and have lived in the Highpoint Terrace Neighborhood for the past 5 years. As a resident of this neighborhood and frequent cyclist who bikes to work and uses the Broad Avenue bike lanes to get to Overton Park from Highpoint to Downtown multiple times a week I would like to let my feelings be known about the proposed gas station at Sam Cooper and Broad Avenue is a very bad idea.

I am definitely against this gas station and would like to give you my personal feelings as to why I think this is a very bad idea from the viewpoint of someone who has logged hundreds of trips through that area in the past few years. Here are my main points:

1. Safety - This is my number one reason there should not be a gas station at that location. Creating an entrance where cars are pulling in and out constantly is going to create a huge safety issue for people walking and biking over there. I'd say over half the time I am biking on bike lanes on Broad and Tillman people just do not see cyclists and I'm having close calls all the time. I know there are other entrances to businesses like the Church Health Center where cars are turning but they would not have near the number of cars pulling in and out a gas station would. Also since Sam Cooper and Broad is so congested you are going to have cars blocking the bike lanes while waiting to exit the gas station.
2. Congestion - Sam Cooper and Broad is almost always congested right now and adding more traffic right there with people is going to make it much worse. There does need to be a light there and that's the only good thing this proposal has attached to it.
3. I know the gas station wants to be a place to hang out and they are trying to make this the main selling point to make it fit in with the neighborhood. I've never seen a gas station where people want to hang out no matter how many amenities are there. Watching cars and smelling all the interesting smells and sounds all the cars make going down Sam Cooper does not make a good place to hang out.
4. I think the last and easiest point I would like to make is that there is already a gas station across the street. I know many areas of the city have 2 gas stations across the street from each other but I think a special consideration should be made since Broad avenue is such a bike conduit to other parts of the city.

In closing, Broad Avenue has come a long way as a pedestrian and bicycle friendly part of town. I am young enough to remember driving with my parents down Broad before Sam Cooper bypassed it. I also remember how it was a ghost town for so many years until its recent resurgence. Its a very unique part of Memphis and please don't ruin the progress Broad Avenue has made by introducing even more automobile traffic to that area.

I am available to talk during the Zoom meeting about this on May 13th. Also my number is 901-277-3181 if you need to reach me in person.

Thank you for your time,
Sean Davis

From: [Elizabeth Terrell](#)
To: [Davis, Brett](#)
Subject: 2977 Broad Ave.
Date: Monday, June 7, 2021 7:24:35 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Davis,

I had the joy and pleasure of meeting with John Behnke on May 26th at 2977 Broad Ave. to discuss his plans for the development of that corner. I am totally in favor of this development. I think it will be a welcoming presence to travelers both entering and exiting the expressway. It will provide an area for people to sit outside and eat lunch, whether traveling or in the neighborhood. Bicyclists can stop and repair their bicycles, get refreshments and have access to restrooms.

I love that the outside of the shops architecturally reflect the time period of the beginning of the neighborhood. It makes this development fit into the neighborhood and shows the care and concern that Mr. Behnke has for the area. I look forward to seeing this development completed on this corner. I am a property owner in Binghampton and I am currently renovating a house there.

Sincerely,
Rev. Liz Terrell
901-647-2788

Sent from my iPhone



Christ Community
HEALTH SERVICES



July 1, 2021

Mr. Brett Davis, Municipal Planner
Memphis/Shelby County Dept. of Planning & Development
125 N. Main Street, Suite 477
Memphis, TN 38103

Dear Mr. Davis,

We have received the site plan for the proposed development at Sam Cooper and Tillman. John Behnke has taken the time to review all of the details of the proposed plan and we are in support of the project.

The developer has graciously offered to provide Christ Community Health Services with much needed parking for employees and medical staff at the Southwest corner of the proposed development. We would very much appreciate and respectfully ask that you and the City Council support us in integrating the additional parking we need into the final plan. This feature will ensure added safety and convenience to our people for access to our clinic.

We are delighted to see this land will finally be put to a productive use.

Sincerely,

Shantelle Leatherwood
Chief Executive Officer

cc: John Behnke
Spire Enterprises



A300

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/5/2021
DATE
PUBLIC SESSION: 10/5/2021
DATE**

ITEM (CHECK ONE)

☐ ORDINANCE ☐ CONDEMNATIONS ☐ GRANT ACCEPTANCE / AMENDMENT
☒ RESOLUTION ☐ GRANT APPLICATION ☐ REQUEST FOR PUBLIC HEARING
☐ OTHER: _____

ITEM DESCRIPTION: A resolution approving a street closure and vacation
CASE NUMBER: SAC 21-06
DEVELOPMENT: Right-of-way closure and vacation
LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue
COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Shelby Electric Co.
REPRESENTATIVES: Allen & Hoshall
EXISTING ZONING: Gateway District
REQUEST: Close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard
AREA: +/-18,819 Square feet of ROW
RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*
RECOMMENDED COUNCIL ACTION: **No public hearing required**
Set hearing date for -October 5, 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
09/9/2021 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

MUNICIPAL PLANNER

DEPUTY ADMINISTRATOR

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 21-06

Resolution requesting to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard:

- This item is a resolution with conditions to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant(s): Shelby Electric Co. and Representative(s): Allen & Hoshall; and
- This item may require a new public improvement contract.



RESOLUTION

A resolution approving the closure of a section of Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard, known as case number SAC 21-06.

WHEREAS, the City of Memphis is the owner of real property known as Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard in Memphis, Tennessee and being more particularly described as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South $86^{\circ}29'08''$ East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North $03^{\circ}30'52''$ East a distance of 46.00 to the intersection of the north right of way line E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **True Point of Beginning** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North $05^{\circ}49'52''$ East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South $86^{\circ}29'08''$ East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South $05^{\circ}49'52''$ West a distance of 313.65 to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North $86^{\circ}29'08''$ West a distance of 60.05 to said **True Point Of Beginning**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

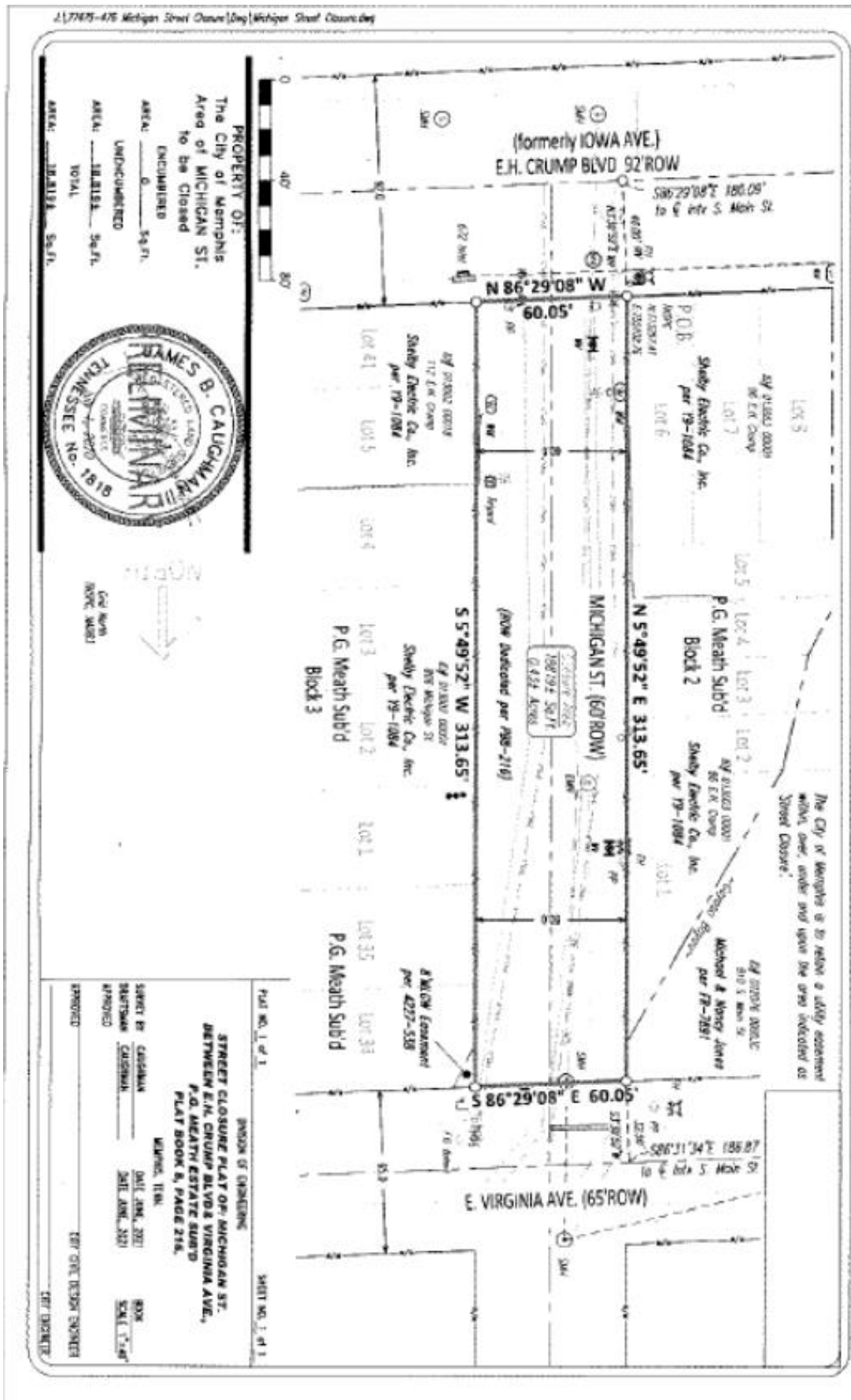
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

ATTEST:

**Cc: Division of Planning and Development – Land Use and Development Services
City Engineering – Land Development
City Real Estate**

21,776.75-475 Michigan Street Closure|Day|Michigan Street Closure:day



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SAC 21-06
LOCATION:	Michigan Street between East E.H. Crump Blvd and East Virginia Avenue
COUNCIL DISTRICT(S):	District 6 and Super District 8
OWNER/APPLICANT:	Shelby Electric Co.
REPRESENTATIVE:	Allen & Hoshall
REQUEST:	Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.
EXISTING ZONING:	Gateway District
AREA:	+/-18,819 Square feet of ROW

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,



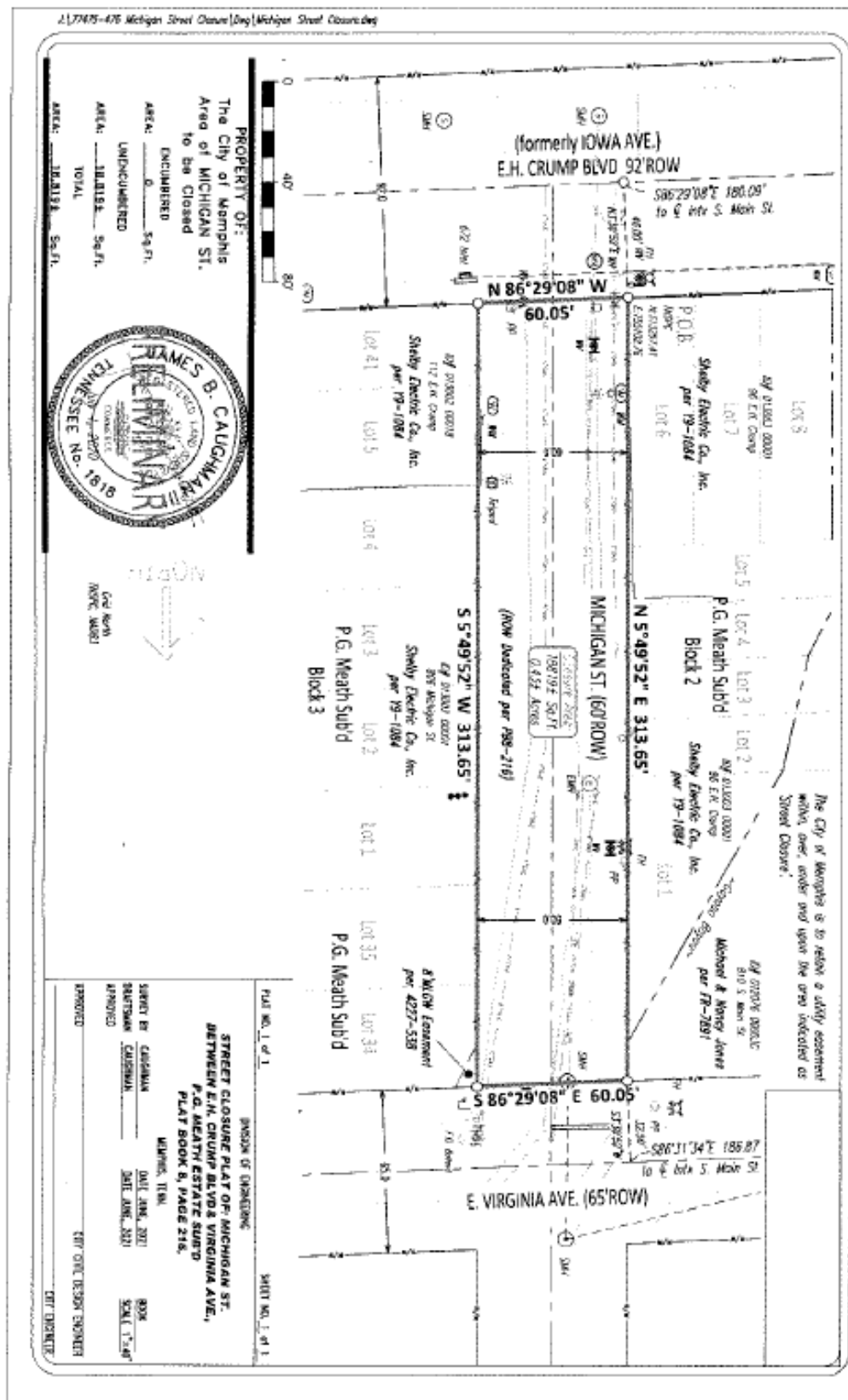
Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SAC 21-06
CONDITIONS

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

CLOSURE PLAT



AGENDA ITEM: 12

CASE NUMBER: SAC 21-06 **L.U.C.B. MEETING:** September 9, 2021

LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVE: Allen & Hoshall

REQUEST: Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.

AREA: +/-18,819 Square feet of ROW

EXISTING ZONING: Gateway District

CONCLUSIONS

1. The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.
2. The applicant cites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.
3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Plan does not make recommendations for street closures.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Zoning Atlas Page: 1930

Existing Zoning: Gateway

PUBLIC NOTICE

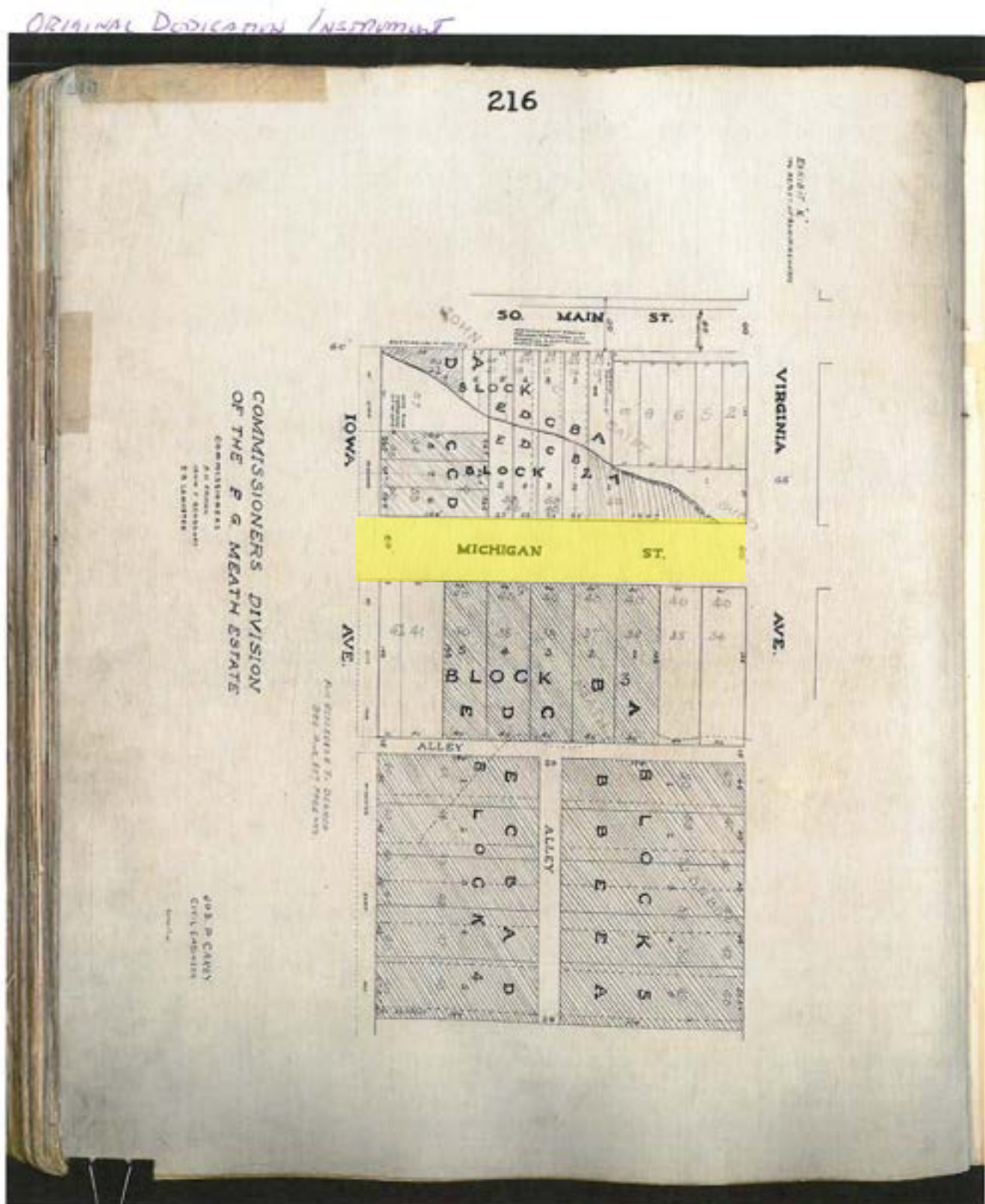
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 27, 2021, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



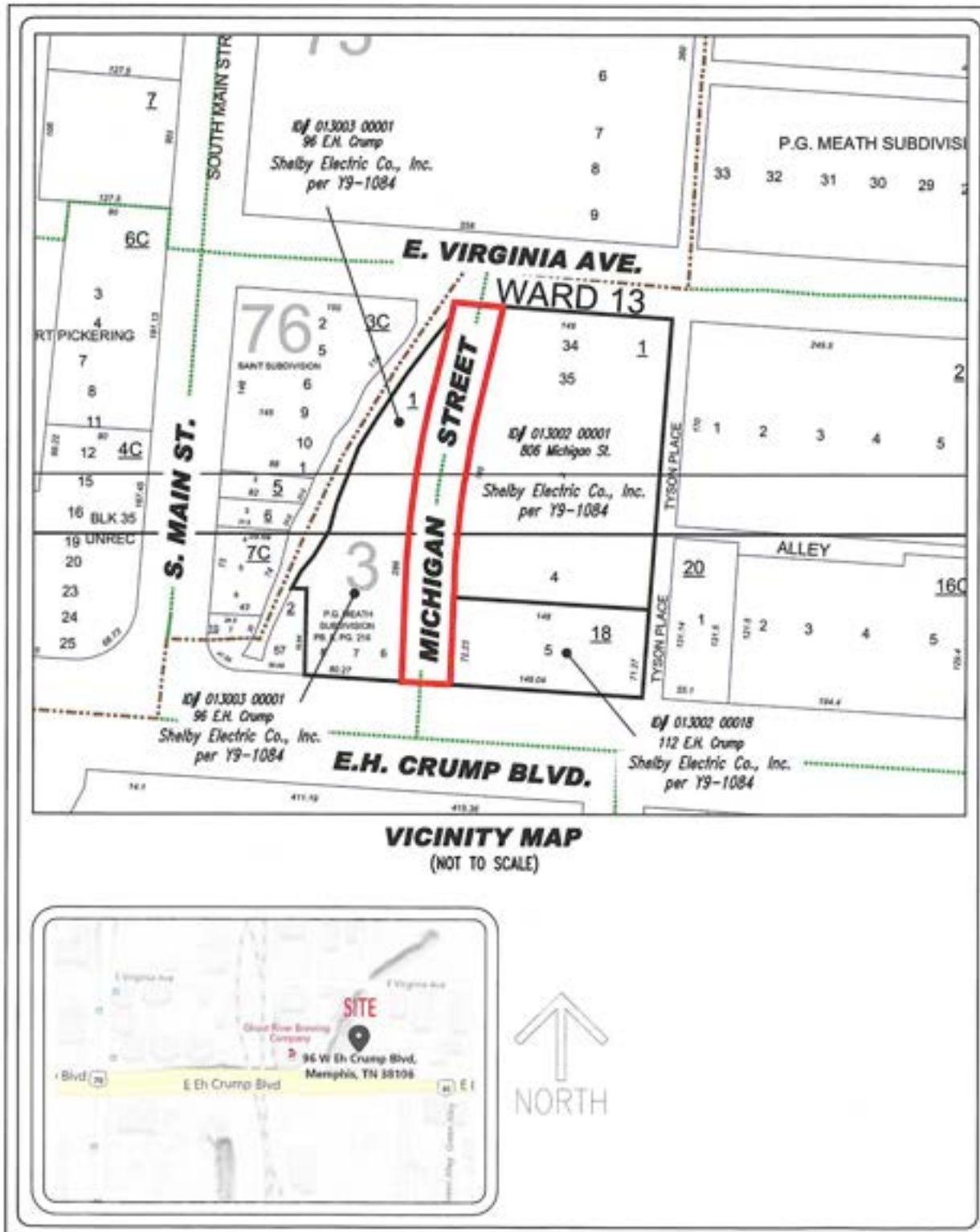
Subject right-of-way located within the pink circle, South Memphis

Original Dedication Instrument



Subject right-of-way highlighted in yellow

VICINITY MAP



Subject right-of-way outlined in red

AERIAL

A



Subject right-of-way outlined in yellow

ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: Gateway

Surrounding Zoning

North: South Downtown Business










East: Gateway

South: Gateway

West: Gateway and Bluffview

LAND USE MAP



	SINGLE-FAMILY		OFFICE
	MULTI-FAMILY		INDUSTRIAL
	INSTITUTIONAL		PARKING
	COMMERCIAL		VACANT
	RECREATIONAL / OPEN SPACE		

Subject right-of-way outlined in orange

SITE PHOTOS



View of access point to the subject right-of-way from E.H. Crump Boulevard facing north



View of access point to the subject right-of-way from the East Virginia Avenue facing south

LEGAL DESCRIPTION

**STREET CLOSURE OF
MICHIGAN STREET
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

STAFF ANALYSIS

Request and Reason

The application and letter of intent have been added to this report.

The request is to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard. The applicant cites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

Site Description

The subject right-of-way is a +/-60.05-foot wide and +/-313.65-foot long public street for a total area of +/-0.423 acres (18,819 Square Feet) between E.H. Crump Boulevard and East Virginia Avenue. The subject right-of-way is located in-between three parcels (013003 00001, 013002 00001, and 013002 00018) owned by Shelby Electric Company Inc.

Supplementary

The portion of Michigan Street north of East Virginia Avenue was closed November 6, 2007.

If approved, this proposed closure of Michigan Street will deed over the last section of the Street north of E.H. Crump.

Consistency with Memphis 3.0

The Memphis 3.0 Plan does not make recommendations related to street closures.

Conclusions

The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.

The applicant cites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The

applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: **8/20/2021**

CASE: **SAC-21-006**

NAME: **Michigan Street Closure**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. Dedicate 15 ft sewer easement that is centered on the existing sanitary sewer line in the street.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

8. The City Engineer shall approve the design, number and location of curb cuts.

9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Street Closures:

10. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
11. City sanitary sewers/drainage facilities are located within the proposed closure area.
12. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
13. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

- **MLGW has existing utility distribution facilities within the present public road/alley right of way.** The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **MLGW reserves the right** to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **MLGW must be able to access any overhead or underground facilities.** Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a

minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.

- If there are **existing fire hydrants** within the proposed closure of the public right-of-way, these hydrants will become public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis by MLGW.
- If there are **existing street lights** within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to **MLGW Service Policy Manual – Water Main Extensions**, Section 4.3 which is available online at the following MLGW website:
 - <http://www.mlgw.com/images/content/files/pdf/ServicePolicyManual.pdf>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/
STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Street/Alley/ROW: Michigan Street
Property Owner of Record: City of Memphis Phone #: 901.636.6830
Mailing Address: 125 N. Main Street City/State: Memphis, TN Zip 38103
Property Owner E-Mail Address: LBryan@shelbyelectric.net
Applicant: Shelby Electric Co., Inc. Phone #: 901.848.1545
Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106
Applicant E-Mail Address: RLeath@shelbyelectric.net
Representative: Rodney Leath Phone #: 901.848.1545
Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106
Representative E-Mail Address: RLeath@shelbyelectric.net
Engineer/Surveyor: Allen & Hoshall, Inc. Phone #: 901.820.0820
Mailing Address: 1661 International Dr., #100 City/State: Memphis, TN Zip 38120
Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com
Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.
Inside of Memphis City Limits ☒ Yes ☐ No
Unincorporated Shelby County ☐ Yes ☒ No
City of Reserve Area ☐ Yes ☒ No
Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet
Closure starts at: E.H. Crump Boulevard and
Proceeds to East Virginia Avenue
Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with braking

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/18/21 [Signature] 7/18/21
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)

3. Abandonment (divestiture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

LETTER OF INTENT

Shelby Electric Co.
INC.

96 East E.H. Crump Blvd.
Memphis, TN 38106
(901) 947-7300
Bids@ShelbyElectric.net

July 30, 2021

Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
Memphis, TN 38103

**RE: Letter of Intent – Road Closure
Michigan Street**

Dear Mr. Thomas,

The intent of this project is to close Michigan St. between East EH Crump Blvd and East Virginia St. This portion of Michigan Street runs between two buildings, both of which are owned by Shelby Electric Company, Inc. Traffic often uses this street and cut-through to avoid the stop light at Crump and South Main. Traveling at excessive speeds, multiple accidents have occurred involving our employee's parked vehicles. There is a great deal of foot traffic by our employees and there are safety concerns as vehicle speed through Michigan Street. The professional consultant associated with this proposed road closure is Allen & Hoshall.

Sincerely,



James Rodney Leath
President

SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Coleman Leslie Bryan, 4th, being duly sworn, depose and say that at 1:00 am/pm on the 25th day of August, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 2021-06 at Michigan St and East EH Crump Blvd and Michigan St and Virginia Ave, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, X Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative

8/26/2021

Date

Subscribed and sworn to before me this 26th day of August, 2021

Jodie Davis
Notary Public

My commission expires: 4-30-22







LETTERS RECEIVED

No letters received at the time of completion of this report.

Shelby Electric Co. INC.

96 East E.H. Crump Blvd.
Memphis, TN 38106
(901) 947-7300
Bids@ShelbyElectric.net

July 30, 2021

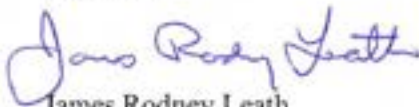
Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
Memphis, TN 38103

**RE: Letter of Intent – Road Closure
Michigan Street**

Dear Mr. Thomas,

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Sincerely,



James Rodney Leath
President



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

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Mailing Address: 125 N. Main Street

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Applicant: Shelby Electric Co., Inc.

Phone # 901.848.1545

Mailing Address: 96 E.H. Crump Blvd.

City/State: Memphis, TN Zip 38106

Applicant E-Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath

Phone #: 901.848.1545

Mailing Address: 96 E.H. Crump Blvd.

City/State: Memphis, TN Zip 38106

Representative E-Mail Address: RLeath@shelbyelectric.net

Engineer/Surveyor: Allen&Hoshall, Inc.

Phone # 901.820.0820

Mailing Address: 1661 International Dr., #100

City/State: Memphis, TN Zip 38120

Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com

Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.

Inside of Memphis City Limits ☒ Yes ☐ No

Unincorporated Shelby County ☐ Yes ☒ No

City of Reserve Area ☐ Yes ☒ No

Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet

Closure starts at: E.H. Crump Boulevard

and

Proceeds to East Virginia Avenue

Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/10/21 [Signature] 7/30/21
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)

3. **Abandonment** (divestiture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

Y9 1084
5

WARRANTY DEED

THIS INDENTURE, made and entered into on this 30th day of December 1986 by and between MRS. MARIE EVANS KRAMER, THOMAS E. KRAMER, MRS. DONNA MARIE BROMMER and MRS. BETTY ANN SULLIVAN, party of the first part, and SHELBY ELECTRIC COMPANY, INC., a Tennessee corporation, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The parties of the first part are the heirs at law and the named beneficiaries under the Last Will and Testament of Thomas Kramer, deceased, who died a resident of Shelby County, Tennessee on May 21, 1953.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for easements of record, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

X Marie Evans Kramer
MRS. MARIE EVANS KRAMER

Thomas E. Kramer
THOMAS E. KRAMER

Mrs. Donna Marie Brommer
MRS. DONNA MARIE BROMMER

Mrs. Betty Ann Sullivan
MRS. BETTY ANN SULLIVAN

STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, MRS. MARIE EVANS KRAMER, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 30th day of December, 1986

Fred M. Walker
Notary Public

My commission expires: My Commission Expires July 26, 1988



TS 1084

EXHIBIT "A" LEGAL DESCRIPTION
(KRAMER FAMILY PROPERTY)

Lots 1, 2, 4, 5, 6, 7, and 8, Block 2, P.G. Meath Subdivision which lots are more particularly described as follows:

Lot 1: Beginning at a point in the West line of Michigan Avenue 192 feet North of the North line of Iowa Avenue said point being the Northeast corner of Lot 2, Block 2, of P.G. Meath Subdivision which lot was conveyed to Thomas Kramer by Warranty Deed in Book 1849, Page 434 in the Office of Register of Shelby County, Tennessee; then Westwardly along Kramer's North line 62 feet more or less to the center of Gayoso Bayou; thence Northwardly along said Bayou to the intersection of the center of the Bayou with the West line of Michigan Street; thence Southwardly along the West line of Michigan Street 120 feet more or less to said Kramer's Northeast corner the point of beginning, being the same property conveyed to Thomas Kramer by Special Warranty Deed dated July 18, 1949 and recorded in Book 2399, Page 108 in the Register's Office of Shelby County, Tennessee.

Lot 2: Beginning at a stake in the West line of Michigan Street 169 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 62 feet to a point in the middle of Gayoso Bayou; thence Southwardly along the middle of the Gayoso Bayou 23.6 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 67.3 feet to the point of beginning; being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 4: Beginning at a stake in the West line of Michigan Street 123 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 72.5 feet to a point in the middle of Gayoso Bayou; thence Southwestwardly along the middle of Gayoso Bayou 25.9 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 84.5 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer in Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 5: Beginning at a point in the West line of Michigan Street 100 feet Northwardly from the North line of East Iowa Avenue, thence Northwardly along the West line of Michigan Street 23 feet to a point; thence Westwardly parallel to East Iowa Avenue 84.5 feet to a point in the middle of Gayoso Bayou, said point being the Northeast corner of Lot 5 in Block 1 of said Subdivision; thence Southwestwardly along the middle line of said Bayou and the East line of said Lot 5 in Block 1, 25.9 feet to the Southeast corner of said Lot 5 in Block 1; thence Eastwardly 96.5 feet (more or less) to the point of beginning, being the same property conveyed to Thomas Kramer by Deed recorded in Book 1943, Page 490 in the Register's office of Shelby County, Tennessee.

Lot 6: Beginning at a stake at the intersection of the West line of Michigan Street with the North line of East Iowa Avenue, running thence Westwardly along the North line of East Iowa 26.6 feet to a point; thence Northwardly and parallel to Michigan Street 100 feet to a point in the South line of Lot 5 of said P.G. Meath Estate; thence Eastwardly

TS 1084

thence Westwardly with said North line 148 feet to the point of beginning, being the same property conveyed to Thomas Kramer by Deed of Record at Book 1151, Page 556 in the Register's Office of Shelby County, Tennessee.

Lot 5 in Block 4 of the P.G. Meath Subdivision which Lot is more particularly described as follows:

Beginning at a point in the North line of East Iowa Avenue 355 feet Eastwardly along said North line from its intersection with the East line of Michigan Street; running thence Eastwardly along the North line of East Iowa Avenue 57.5 feet to an iron stake; thence Northwardly and parallel to Michigan Street 150 feet to an iron stake in the South line of 20 foot alley; thence Westwardly along the South line of said alley 57.5 feet to an iron stake; thence Southwardly 150 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

In addition to the above described property, there is also conveyed hereby all interest in the alleys shown on the plat of P.G. Meath Subdivision, adjacent to the above described property.

Excluded from this conveyance is any property previously conveyed to or taken by governmental authority for the widening of E.H. Crump Blvd., formerly known as East Iowa Avenue.

7-01084

STATE TAX 672.00

REGISTER'S FEE 50

RECORDING FEE 15.00

Jan 2 12 53 PM '07

STATE OF TENNESSEE
SHELBY COUNTYL. A. S.
REGISTER

672.00
15.00
687.00

WARRANTY DEED



FR 7981
MEMPHIS TITLE
38018

This Instrument Prepared by: J. Terry Pitts, Attorney, 65 Germantown Court, Suite 100, Cordova, TN

THIS INDENTURE, made and entered into this 6th day of February, 19 96 by and between

DARRYL L. HAWKINS, party

of the first part, and

MICHAEL E. JONES, and wife, Nancy K. Jones

of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said part Y of the first part has bargained and sold and do as hereby bargain, sell, convey and confirm unto the said part Y of the second part of the following described real estate, situated and being in Memphis the County of Shelby, State of Tennessee.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Being the same property conveyed to the grantor herein by Warranty Deed of record by Instrument No. DS 4096, said Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said part Y of the second part, his heirs and assigns in fee simple forever.

And the said part Y of the first part do as hereby covenant with the said part Y of the second part that he is lawfully seized in fee of the aforescribed real estate: that he has a good right to sell and convey the same: that the same is unencumbered, except for 1996 city and county taxes, not yet due and payable;

And that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

WITNESS THE SIGNATURE of the said part Y of the first part of the day and year first above written.

Darryl L. Hawkins
DARRYL L. HAWKINS

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared DARRYL L. HAWKINS

with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person within named and that he executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 6th day of February, 19 96

My commission expires 25 day of March, 19 97

Danella D. Pitts
Notary Public

STATE OF TENNESSEE, COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$ 50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Melanie B. Ogilvy (ug-1)
Affiant

Subscribed and sworn to before me this 6th day of February, 19 96

My commission expires 25 day of March, 19 97

Danella D. Pitts
Notary Public

The following information is not a part of this Deed.

Property Address 810 South Main, Memphis, TN 38103

Ward 012 District 076 Parcel 00003C

Mail Tax Bill to

PROPERTY OWNER: MICHAEL E. JONES

At 6881 Water Point Cove

Memphis, TN. 38141

MT 170913

MTG 0026

SN 63967
70-27

Summary

EASEMENT CONTRACT

For and in satisfaction of five-eighths of One Dollar each to be paid to the undersigned, each other good and sufficient consideration, the receipt of which is hereby acknowledged, the undersigned, _____ group and convey unto the City of Memphis, acting through Memphis Light, Gas and Water Division, and unto its successors and assigns, the premises or parts of same to be described, measured and specified as follows, to wit: _____, a part of the premises and along the southern boundary of the premises described and set out by the said Memphis Light, Gas & Water Division, under and upon the following described lands belonging to the undersigned and situated in Shelby County, Tennessee, to-wit:

This easement is 8 feet wide across a parcel of land conveyed to Junior G. Myer by deed of record and described in book 1477, page 145 of the Register's Office of Shelby County, Tennessee.

The center line of this easement is located as follows: Beginning at a point in the north line of Virginia Avenue 4 feet east of the east line of Michigan Street; thence in a southwesterly direction 8.6 feet to a point in the east line of Michigan Street 8 feet south of the north line of Virginia Avenue.

Property located on the southeast corner of Virginia Avenue and Michigan Street.

It is, to this end, the City of Memphis, writing through the Memphis Light, Gas and Water Division shall deem it expedient as to the same, to extend the Southern Bell Telephone and Telegraph Company, or its successors and assignors, the company or its successors and assignors, to use those poles jointly with the City of Memphis, acting through the Memphis Light, Gas and Water Division, and the Southern Bell Telephone and Telegraph Company, its successors and assignors and/or their successors and assignors may be granted the right to construct, operate and maintain its lines of telephone and telegraph lines upon the poles of the Memphis Light, Gas and Water Division of the City of Memphis, MEMPHIS, TENNESSEE.

TO HAVE AND TO HOLD the above described premises and right unto the said City of Memphis, its successors and assigns, together with the right of exercising all rights reasonably and properly incident to the rights hereby expressly granted,

And the undersigned hereby warrant the above described statement and right unto the said grantee, by me made and assigne against the lawful claims or demands of any to all persons claiming by, through or under the undersigned.

There is a need for

收稿日期: 2003-01-20; 修回日期: 2003-03-10
基金项目: 国家自然科学基金(40075001)资助项目

10. The second, a *Solar* T-shirt, was for the first time, and finally, the international and domestic markets, as shown in the figure below:

Figure 10. The second, a *Solar* T-shirt, was for the first time, and finally, the international and domestic markets, as shown in the figure below.

WITNESSES are: David and Victoria Bond at Memphis, in the County of Shelby, on this day and year, first above written.

10. *differentiated expertise*

STATE OF TEXAS

doi:10.1017/S0022292412001697

Keywords: *Self-esteem; self-worth; self-concept*

کتابخانه

Shelby Electric Co. Inc.
PO Box 157
Memphis, TN 38101

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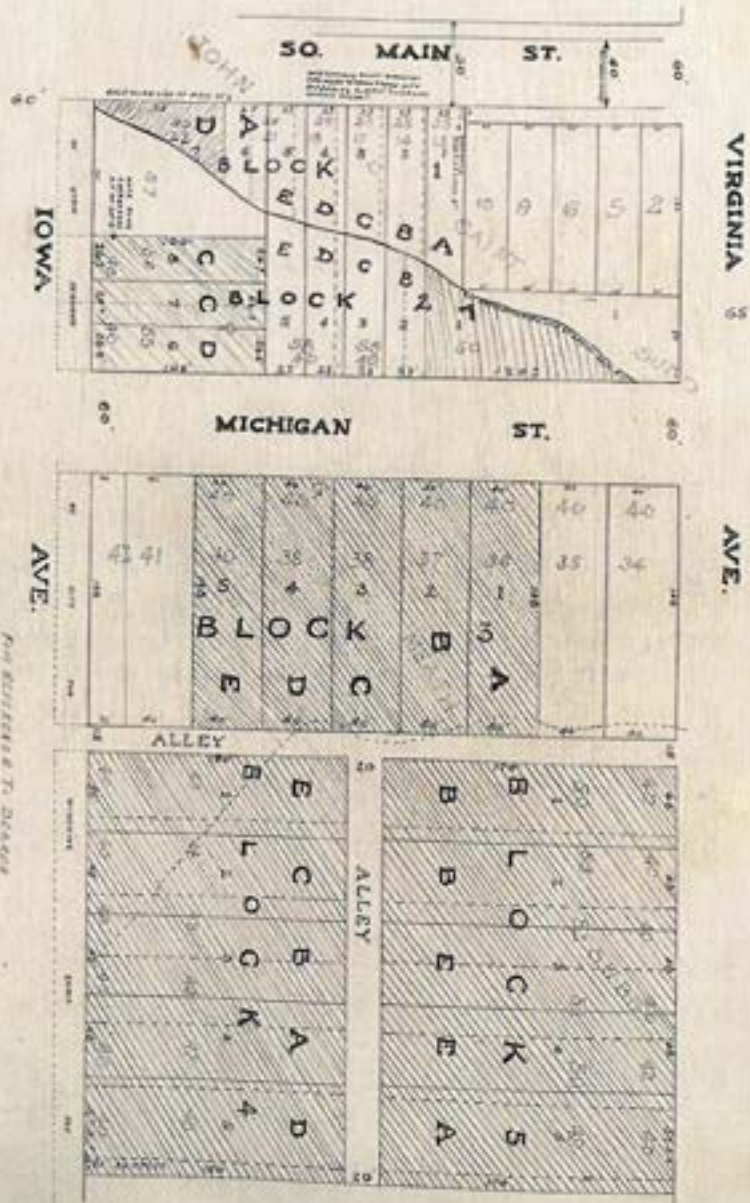
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EXHIBIT "K"
To the City of Des Moines

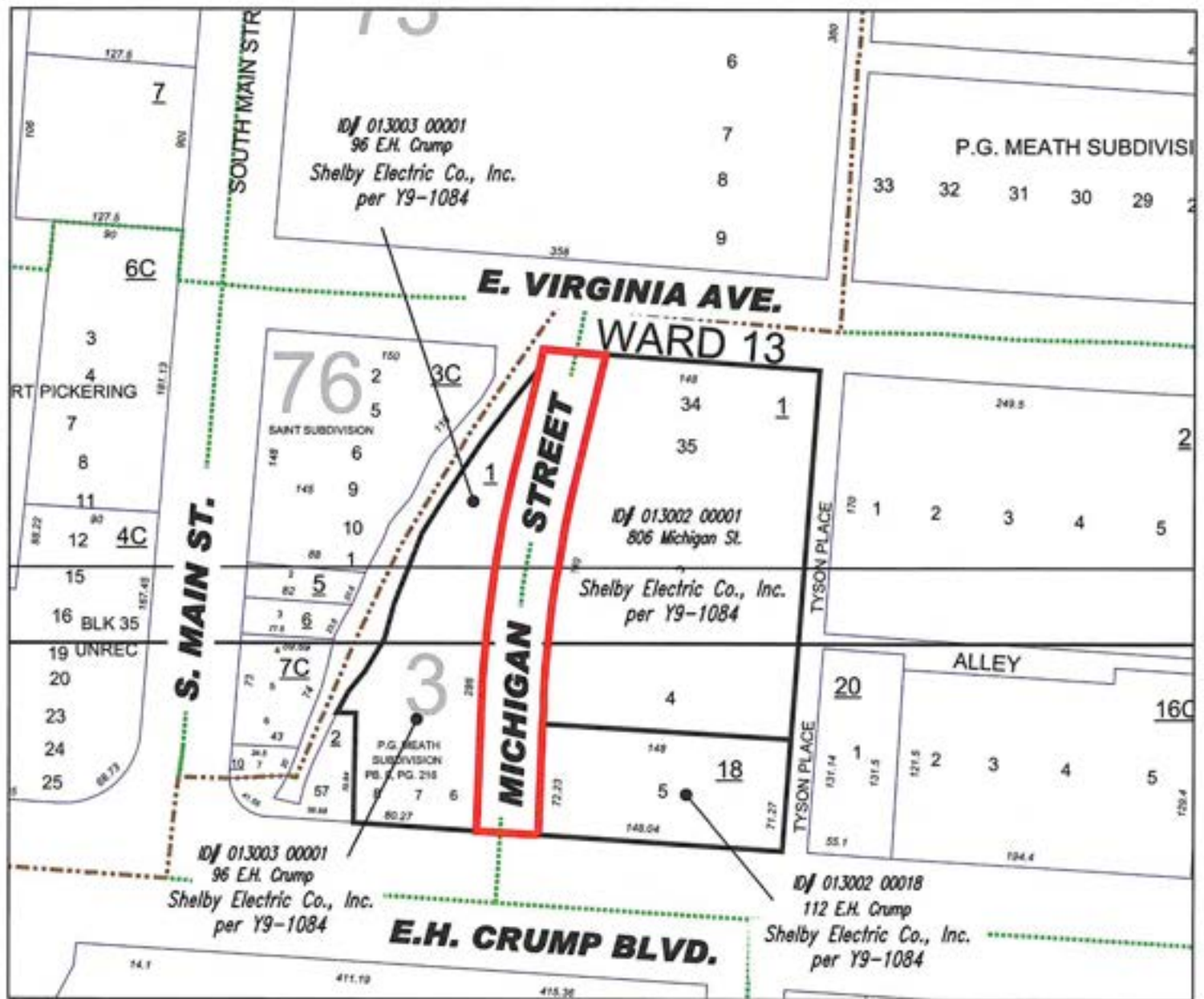


COMMISSIONERS DIVISION
OF THE P & G MEATH ESTATE

COMMISSIONERS
AT DES MOINES
IOWA
C. B. LAMSTER

For SELLERS & T. D. DODGE
Old Oak 127 1908 1910

JOS. P. CAREY
CITY ENGINEER



VICINITY MAP
(NOT TO SCALE)



**STREET CLOSURE OF
MICHIGAN STREET
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/5/2021

DATE

PUBLIC SESSION: 10/5/2021

DATE

ITEM (CHECK ONE)

☐ ORDINANCE ☐ CONDEMNATIONS ☐ GRANT ACCEPTANCE / AMENDMENT
☒ RESOLUTION ☐ GRANT APPLICATION ☐ REQUEST FOR PUBLIC HEARING
☐ OTHER: _____

ITEM DESCRIPTION: A resolution approving a street closure and vacation

CASE NUMBER: SAC 21-06

DEVELOPMENT: Right-of-way closure and vacation

LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVES: Allen & Hoshall

EXISTING ZONING: Gateway District

REQUEST: Close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard

AREA: +/-18,819 Square feet of ROW

RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **No public hearing required**
Set hearing date for -October 5, 2021

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
09/9/2021 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SAC 21-06

Resolution requesting to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard:

- This item is a resolution with conditions to allow the above; and
- The Division of Planning & Development at the request of the Owner/Applicant(s): Shelby Electric Co. and Representative(s): Allen & Hoshall; and
- This item may require a new public improvement contract.



RESOLUTION

A resolution approving the closure of a section of Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard, known as case number SAC 21-06.

WHEREAS, the City of Memphis is the owner of real property known as Michigan Street between East Virginia Avenue and East E.H. Crump Boulevard in Memphis, Tennessee and being more particularly described as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South $86^{\circ}29'08''$ East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North $03^{\circ}30'52''$ East a distance of 46.00 to the intersection of the north right of way line E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **True Point of Beginning** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North $05^{\circ}49'52''$ East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South $86^{\circ}29'08''$ East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South $05^{\circ}49'52''$ West a distance of 313.65 to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North $86^{\circ}29'08''$ West a distance of 60.05 to said **True Point Of Beginning**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 9, 2021, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

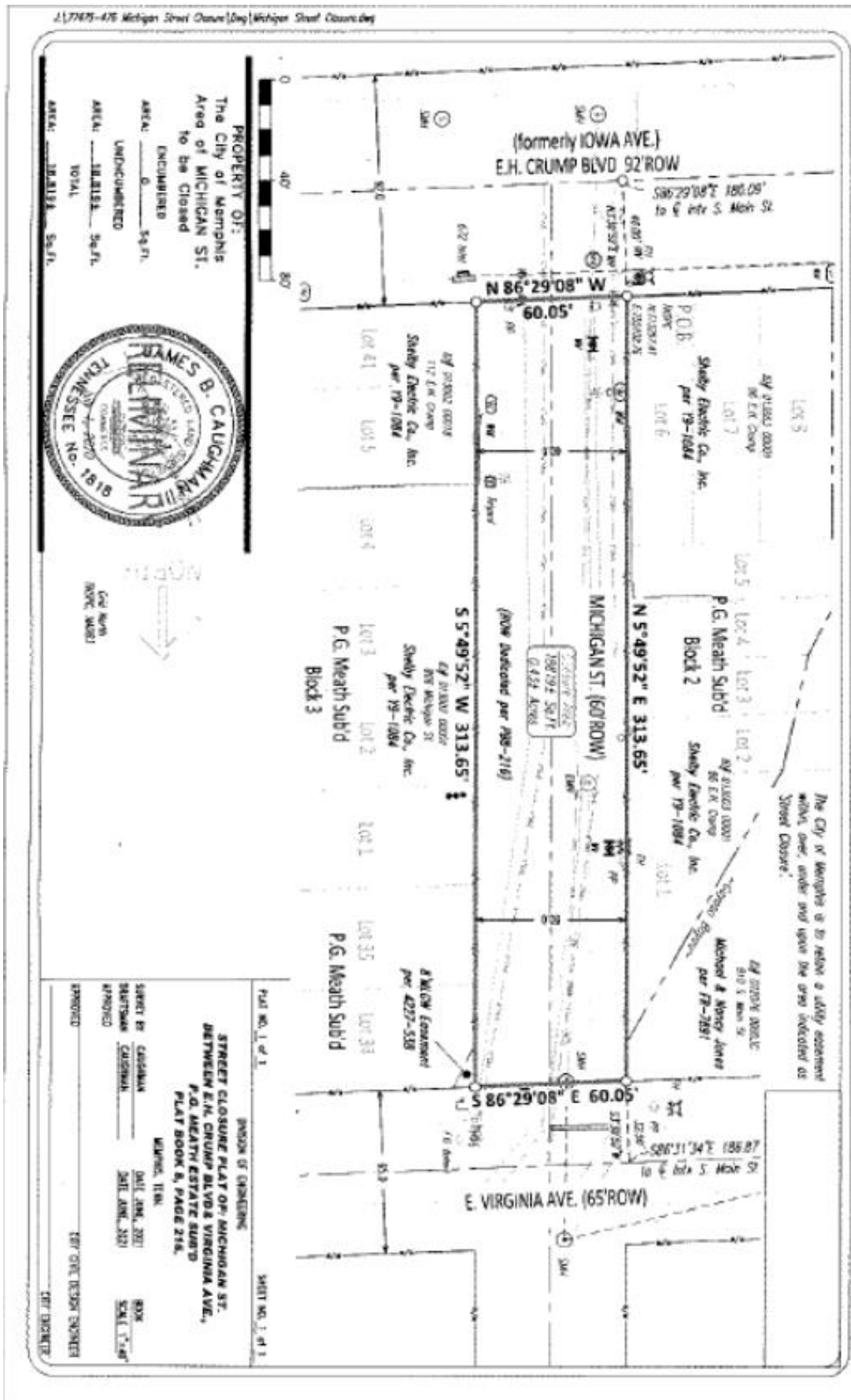
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-of-way, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

ATTEST:

**Cc: Division of Planning and Development – Land Use and Development Services
City Engineering – Land Development
City Real Estate**

21,776.75-475 Michigan Street Closure|Day|Michigan Street Closure:day



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 21-06

LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

COUNCIL DISTRICT(S): District 6 and Super District 8

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVE: Allen & Hoshall

REQUEST: Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.

EXISTING ZONING: Gateway District

AREA: +/-18,819 Square feet of ROW

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,



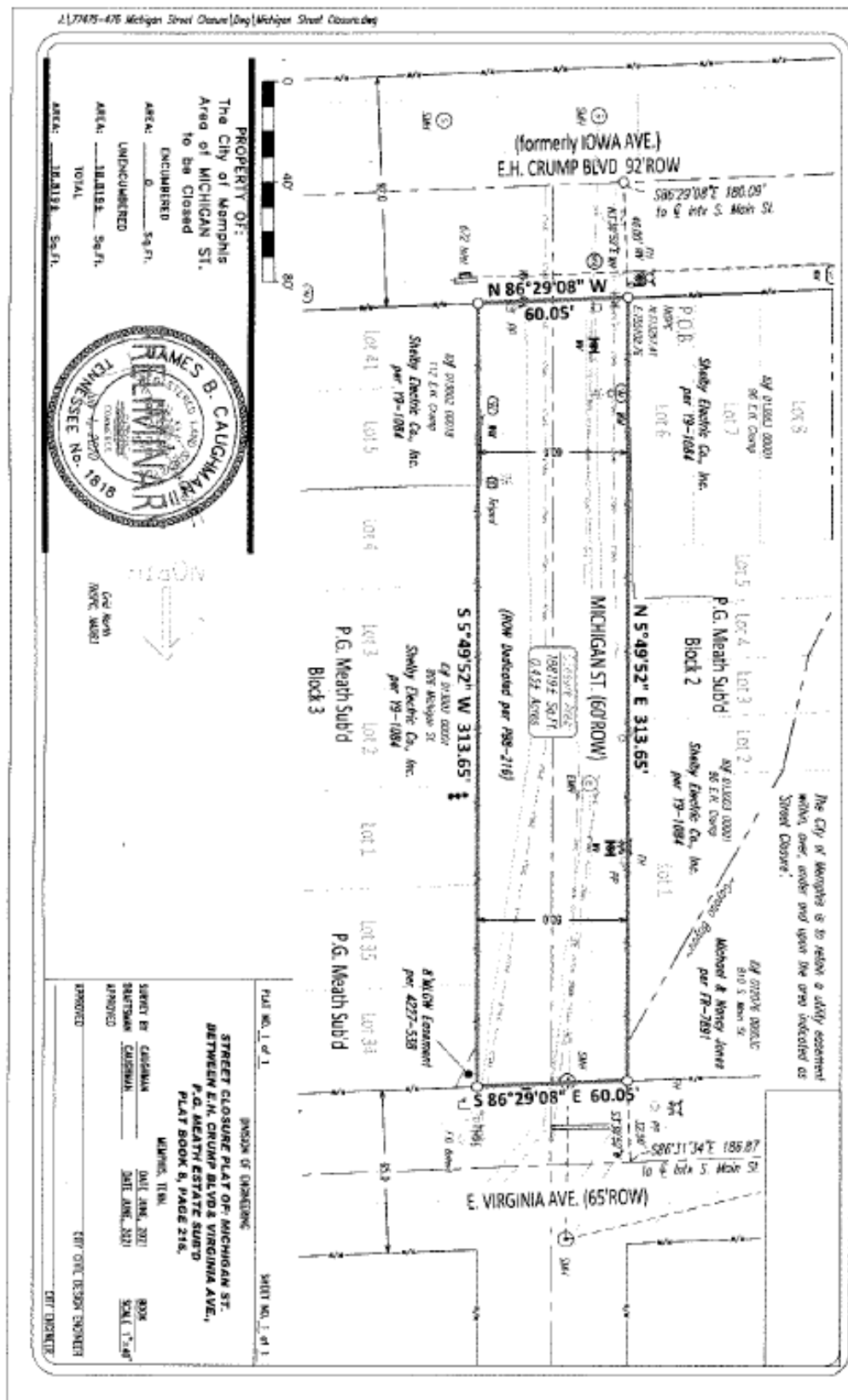
Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SAC 21-06
CONDITIONS

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

CLOSURE PLAT



AGENDA ITEM: 12

CASE NUMBER: SAC 21-06 **L.U.C.B. MEETING:** September 9, 2021

LOCATION: Michigan Street between East E.H. Crump Blvd and East Virginia Avenue

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Shelby Electric Co.

REPRESENTATIVE: Allen & Hoshall

REQUEST: Close and vacate the public right-of-way of Michigan Street a north-south public street between East E.H. Crump Blvd and East Virginia Avenue.

AREA: +/-18,819 Square feet of ROW

EXISTING ZONING: Gateway District

CONCLUSIONS

1. The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.
2. The applicant cites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.
3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

The Memphis 3.0 Plan does not make recommendations for street closures.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Zoning Atlas Page: 1930

Existing Zoning: Gateway

PUBLIC NOTICE

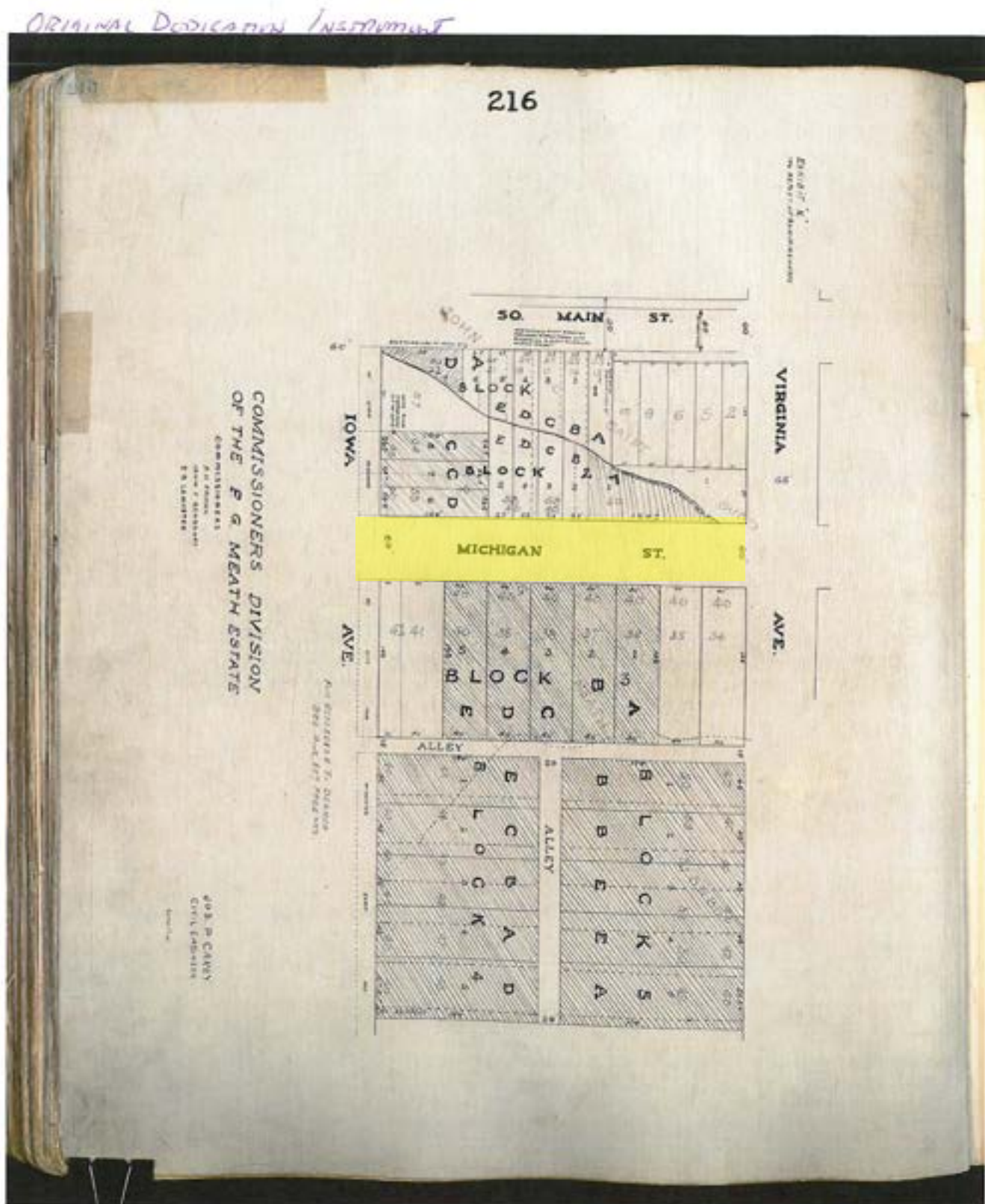
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 30 notices were mailed on August 27, 2021, and a total of 2 signs posted on each end of the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

LOCATION MAP



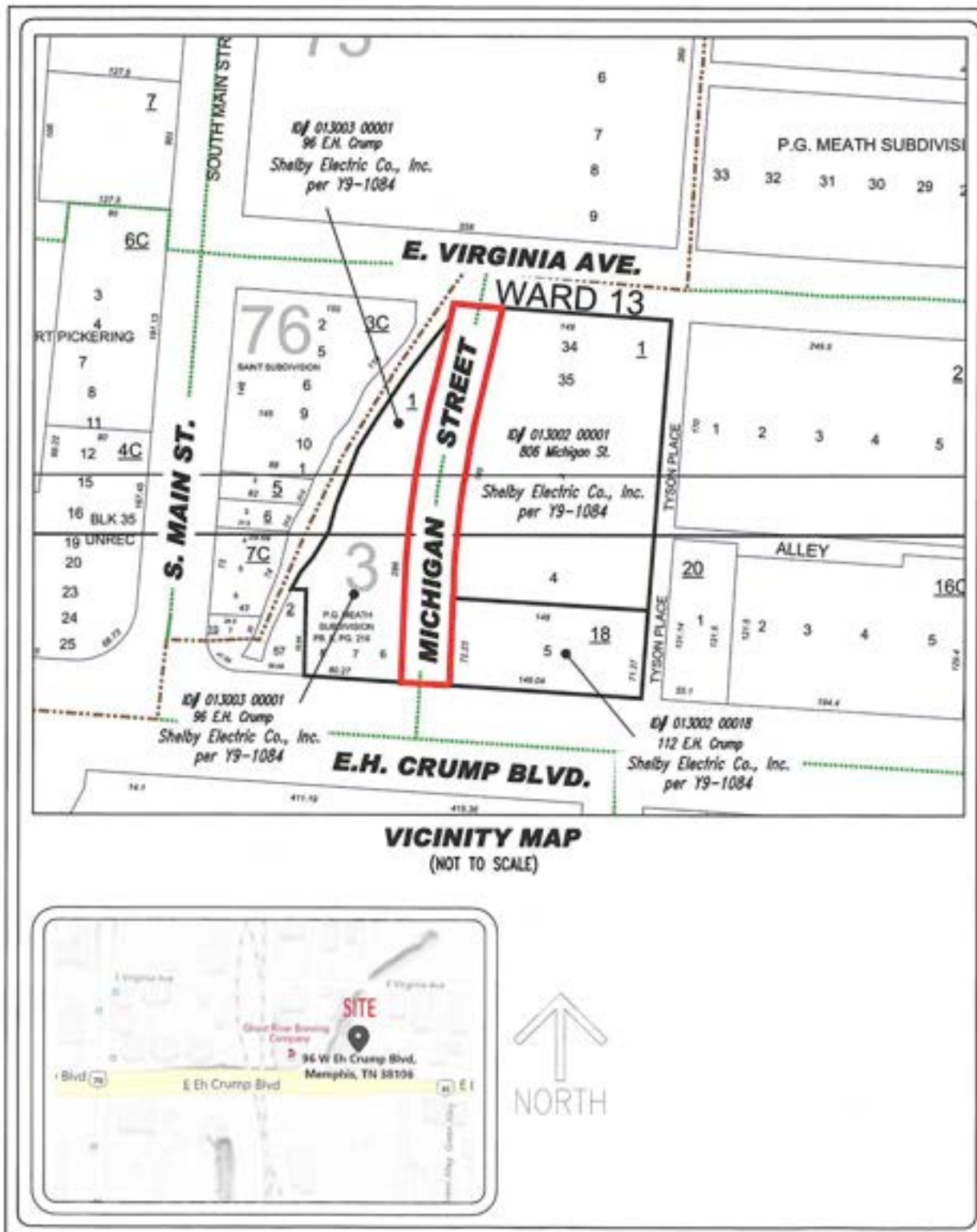
Subject right-of-way located within the pink circle, South Memphis

Original Dedication Instrument



Subject right-of-way highlighted in yellow

VICINITY MAP



Subject right-of-way outlined in red

AERIAL

A



Subject right-of-way outlined in yellow

ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: Gateway

Surrounding Zoning

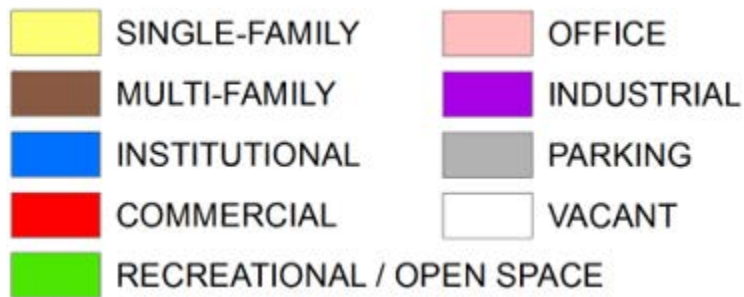
North: South Downtown Business

East: Gateway

South: Gateway

West: Gateway and Bluffview

LAND USE MAP



Subject right-of-way outlined in orange

SITE PHOTOS

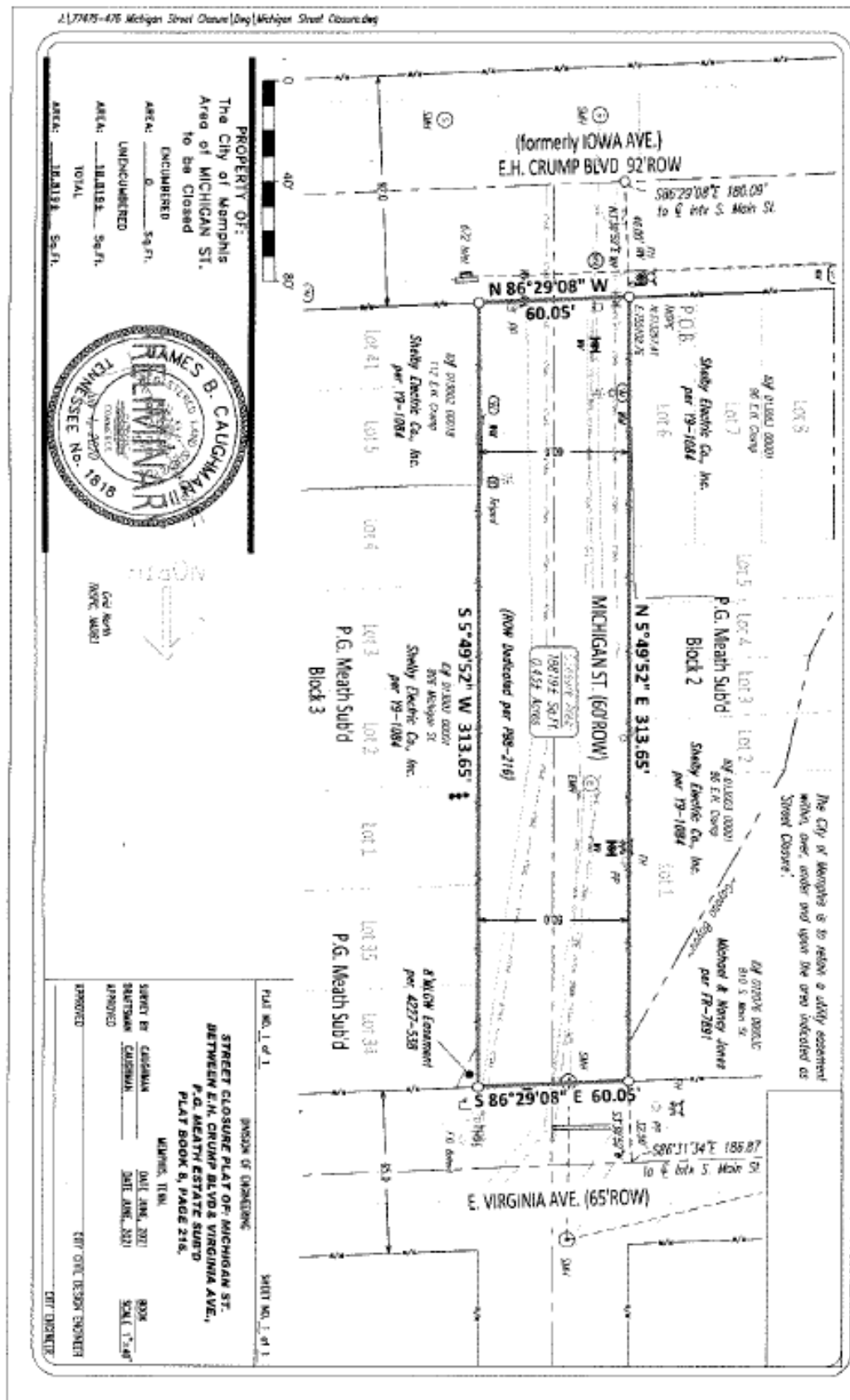


View of access point to the subject right-of-way from E.H. Crump Boulevard facing north



View of access point to the subject right-of-way from the East Virginia Avenue facing south

RIGHT-OF-WAY VACATION PLAT



LEGAL DESCRIPTION

**STREET CLOSURE OF
MICHIGAN STREET
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

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Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.

STAFF ANALYSIS

Request and Reason

The application and letter of intent have been added to this report.

The request is to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard. The applicant cites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

Site Description

The subject right-of-way is a +/-60.05-foot wide and +/-313.65-foot long public street for a total area of +/-0.423 acres (18,819 Square Feet) between E.H. Crump Boulevard and East Virginia Avenue. The subject right-of-way is located in-between three parcels (013003 00001, 013002 00001, and 013002 00018) owned by Shelby Electric Company Inc.

Supplementary

The portion of Michigan Street north of East Virginia Avenue was closed November 6, 2007.

If approved, this proposed closure of Michigan Street will deed over the last section of the Street north of E.H. Crump.

Consistency with Memphis 3.0

The Memphis 3.0 Plan does not make recommendations related to street closures.

Conclusions

The applicant is seeking to close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East EH Crump Boulevard.

The applicant cites vehicles traveling at excessive speeds and pedestrian safety for the employees moving between buildings as reasons for this request.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The

applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: **8/20/2021**

CASE: **SAC-21-006**

NAME: **Michigan Street Closure**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. Dedicate 15 ft sewer easement that is centered on the existing sanitary sewer line in the street.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

8. The City Engineer shall approve the design, number and location of curb cuts.

9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Street Closures:

10. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
11. City sanitary sewers/drainage facilities are located within the proposed closure area.
12. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
13. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

- **MLGW has existing utility distribution facilities within the present public road/alley right of way.** The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **MLGW reserves the right** to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **MLGW must be able to access any overhead or underground facilities.** Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a

minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.

- If there are **existing fire hydrants** within the proposed closure of the public right-of-way, these hydrants will become public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis by MLGW.
- If there are **existing street lights** within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact **MLGW - Water Engineering @ 901-528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to **MLGW Service Policy Manual – Water Main Extensions, Section 4.3** which is available online at the following MLGW website:
 - <http://www.mlgw.com/images/content/files/pdf/ServicePolicyManual.pdf>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.

- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/
STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Street/Alley/ROW: Michigan Street
Property Owner of Record: City of Memphis Phone #: 901.636.6830
Mailing Address: 125 N. Main Street City/State: Memphis, TN Zip 38103
Property Owner E-Mail Address: LBryan@shelbyelectric.net
Applicant: Shelby Electric Co., Inc. Phone #: 901.848.1545
Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106
Applicant E-Mail Address: RLeath@shelbyelectric.net
Representative: Rodney Leath Phone #: 901.848.1545
Mailing Address: 96 E.H. Crump Blvd. City/State: Memphis, TN Zip 38106
Representative E-Mail Address: RLeath@shelbyelectric.net
Engineer/Surveyor: Allen & Hoshall, Inc. Phone #: 901.820.0820
Mailing Address: 1661 International Dr., #100 City/State: Memphis, TN Zip 38120
Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com
Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.
Inside of Memphis City Limits ☒ Yes ☐ No
Unincorporated Shelby County ☐ Yes ☒ No
City of Reserve Area ☐ Yes ☒ No
Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet
Closure starts at: E.H. Crump Boulevard and
Proceeds to East Virginia Avenue
Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/18/21 [Signature] 7/18/21
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. Physical closures (street and alley closures that involve the physical closure of an existing street or alley)

3. Abandonment (divestiture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

LETTER OF INTENT

Shelby Electric Co.
INC.

96 East E.H. Crump Blvd.
Memphis, TN 38106
(901) 947-7300
Bids@ShelbyElectric.net

July 30, 2021

Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
Memphis, TN 38103

**RE: Letter of Intent – Road Closure
Michigan Street**

Dear Mr. Thomas,

The intent of this project is to close Michigan St. between East EH Crump Blvd and East Virginia St. This portion of Michigan Street runs between two buildings, both of which are owned by Shelby Electric Company, Inc. Traffic often uses this street and cut-through to avoid the stop light at Crump and South Main. Traveling at excessive speeds, multiple accidents have occurred involving our employee's parked vehicles. There is a great deal of foot traffic by our employees and there are safety concerns as vehicle speed through Michigan Street. The professional consultant associated with this proposed road closure is Allen & Hoshall.

Sincerely,



James Rodney Leath
President

SIGN AFFIDAVIT

AFFIDAVIT

*Shelby County
State of Tennessee*

I, Coleman Leslie Bryan, 4th, being duly sworn, depose and say that at 1:00 am/pm on the 25th day of August, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. SAC 2021-06 at Michigan St and East EH Crump Blvd and Michigan St and Virginia Ave, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Zoning District Map Amendment, X Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative

8/26/2021

Date

Subscribed and sworn to before me this 26th day of August, 2021

Jodie Davis
Notary Public

My commission expires: 4-30-22







LETTERS RECEIVED

No letters received at the time of completion of this report.

Shelby Electric Co. INC.

96 East E.H. Crump Blvd.
Memphis, TN 38106
(901) 947-7300
Bids@ShelbyElectric.net

July 30, 2021

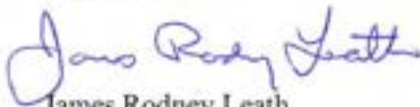
Mr. Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste 477
Memphis, TN 38103

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Sincerely,



James Rodney Leath
President



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: 7/30/2021

Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: Michigan Street

Property Owner of Record: City of Memphis

Phone #: 901.636.6830

Mailing Address: 125 N. Main Street

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Property Owner E-Mail Address: LBryan@shelbyelectric.net

Applicant: Shelby Electric Co., Inc.

Phone # 901.848.1545

Mailing Address: 96 E.H. Crump Blvd.

City/State: Memphis, TN Zip 38106

Applicant E-Mail Address: RLeath@shelbyelectric.net

Representative: Rodney Leath

Phone #: 901.848.1545

Mailing Address: 96 E.H. Crump Blvd.

City/State: Memphis, TN Zip 38106

Representative E-Mail Address: RLeath@shelbyelectric.net

Engineer/Surveyor: Allen&Hoshall, Inc.

Phone # 901.820.0820

Mailing Address: 1661 International Dr., #100

City/State: Memphis, TN Zip 38120

Engineer/Surveyor E-Mail Address: jcaughman@allenhoshall.com

Closure Street Address Location: Michigan Street between E.H. Crump and E. Virginia Ave.

Inside of Memphis City Limits ☒ Yes ☐ No

Unincorporated Shelby County ☐ Yes ☒ No

City of Reserve Area ☐ Yes ☒ No

Distance to nearest intersecting street: 180' East of South Main Street

Area of ROW: 18,819+ Square-Feet/Acres Length x Width of ROW: 314'x60' Feet

Closure starts at: E.H. Crump Boulevard and

Proceeds to East Virginia Avenue

Reason for Closure: Safety concerns with vehicles speeding through causing accidents as well as concerns with breakins

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 5/18/2021 with Seth Thomas

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Shelby Electric Company, Inc. 7/10/21 [Signature] 7/30/21
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

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1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)

3. **Abandonment** (divestiture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.



PROPERTY OF:
The City of Memphis
Area of MICHIGAN ST.
to be Closed

ENCUMBERED
AREA: 0 Sq. Ft.

UNENCUMBERED
AREA: 18,8194 Sq. Ft.
TOTAL
AREA: 18,8194 Sq. Ft.



Grid North
TMSPC, AUG03

Y9 1084
5

WARRANTY DEED

THIS INDENTURE, made and entered into on this 30th day of December 1986 by and between MRS. MARIE EVANS KRAMER, THOMAS E. KRAMER, MRS. DONNA MARIE BROMMER and MRS. BETTY ANN SULLIVAN, party of the first part, and SHELBY ELECTRIC COMPANY, INC., a Tennessee corporation, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The parties of the first part are the heirs at law and the named beneficiaries under the Last Will and Testament of Thomas Kramer, deceased, who died a resident of Shelby County, Tennessee on May 21, 1953.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for easements of record, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

X Marie Evans Kramer
MRS. MARIE EVANS KRAMER

Thomas E. Kramer
THOMAS E. KRAMER

Mrs. Donna Marie Brommer
MRS. DONNA MARIE BROMMER

Mrs. Betty Ann Sullivan
MRS. BETTY ANN SULLIVAN

STATE OF TENNESSEE, COUNTY OF SHELBY

Personally appeared before me, a Notary Public in and for said State and County, MRS. MARIE EVANS KRAMER, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 30th day of December, 1986

Fred M. Walker
Notary Public

My commission expires: My Commission Expires July 26, 1988



TS 1084

EXHIBIT "A" LEGAL DESCRIPTION
(KRAMER FAMILY PROPERTY)

Lots 1, 2, 4, 5, 6, 7, and 8, Block 2, P.G. Meath Subdivision which lots are more particularly described as follows:

Lot 1: Beginning at a point in the West line of Michigan Avenue 192 feet North of the North line of Iowa Avenue said point being the Northeast corner of Lot 2, Block 2, of P.G. Meath Subdivision which lot was conveyed to Thomas Kramer by Warranty Deed in Book 1849, Page 434 in the Office of Register of Shelby County, Tennessee; then Westwardly along Kramer's North line 62 feet more or less to the center of Gayoso Bayou; thence Northesstwardly along said Bayou to the intersection of the center of the Bayou with the West line of Michigan Street; thence Southwardly along the West line of Michigan Street 120 feet more or less to said Kramer's Northeast corner the point of beginning, being the same property conveyed to Thomas Kramer by Special Warranty Deed dated July 18, 1949 and recorded in Book 2399, Page 108 in the Register's Office of Shelby County, Tennessee.

Lot 2: Beginning at a stake in the West line of Michigan Street 169 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 62 feet to a point in the middle of Gayoso Bayou; thence Southwardly along the middle of the Gayoso Bayou 23.6 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 67.3 feet to the point of beginning; being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 4: Beginning at a stake in the West line of Michigan Street 123 feet Northwardly along said West line from its intersection with the North line of East Iowa Avenue, running thence Northwardly along the West line of Michigan Street 23 feet to a stake; thence Westwardly and parallel to East Iowa Avenue 72.5 feet to a point in the middle Gayoso Bayou; thence Southwestwardly along the middle of Gayoso Bayou 25.9 feet to a point; thence Eastwardly and parallel to East Iowa Avenue 84.5 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer in Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

Lot 5: Beginning at a point in the West line of Michigan Street 100 feet Northwardly from the North line of East Iowa Avenue, thence Northwardly along the West line of Michigan Street 23 feet to a point; thence Westwardly parallel to East Iowa Avenue 84.5 feet to a point in the middle of Gayoso Bayou, said point being the Northeast corner of Lot 5 in Block 1 of said Subdivision; thence Southwestwardly along the middle line of said Bayou and the East line of said Lot 5 in Block 1, 25.9 feet to the Southeast corner of said Lot 5 in Block 1; thence Eastwardly 96.5 feet (more or less) to the point of beginning, being the same property conveyed to Thomas Kramer by Deed recorded in Book 1943, Page 490 in the Register's office of Shelby County, Tennessee.

Lot 6: Beginning at a stake at the intersection of the West line of Michigan Street with the North line of East Iowa Avenue, running thence Westwardly along the North line of East Iowa 26.6 feet to a point; thence Northwardly and parallel to Michigan Street 100 feet to a point in the South line of Lot 5 of said P.G. Meath Estate; thence Eastwardly

TS 1084

thence Westwardly with said North line 148 feet to the point of beginning, being the same property conveyed to Thomas Kramer by Deed of Record at Book 1151, Page 556 in the Register's Office of Shelby County, Tennessee.

Lot 5 in Block 4 of the P.G. Meath Subdivision which Lot is more particularly described as follows:

Beginning at a point in the North line of East Iowa Avenue 355 feet Eastwardly along said North line from its intersection with the East line of Michigan Street; running thence Eastwardly along the North line of East Iowa Avenue 57.5 feet to an iron stake; thence Northwardly and parallel to Michigan Street 150 feet to an iron stake in the South line of 20 foot alley; thence Westwardly along the South line of said alley 57.5 feet to an iron stake; thence Southwardly 150 feet to the point of beginning, being a part of the same property conveyed to Thomas Kramer by Deed recorded in Book 1849, Page 434 in the Register's Office of Shelby County, Tennessee.

In addition to the above described property, there is also conveyed hereby all interest in the alleys shown on the plat of P.G. Meath Subdivision, adjacent to the above described property.

Excluded from this conveyance is any property previously conveyed to or taken by governmental authority for the widening of E.H. Crump Blvd., formerly known as East Iowa Avenue.

7-01084

STATE TAX 672.00

REGISTER'S FEE 50

RECORDING FEE 15.00

Jan 2 12 53 PM '07

STATE OF TENNESSEE
SHELBY COUNTYL. A. S.
REGISTER

672.00
15.00
687.00

WARRANTY DEED



FR 7981
MEMPHIS TITLE
38018

This Instrument Prepared by: J. Terry Pitts, Attorney, 65 Germantown Court, Suite 100, Cordova, TN

THIS INDENTURE, made and entered into this 6th day of February, 19 96 by and between

DARRYL L. HAWKINS, party

of the first part, and

MICHAEL E. JONES, and wife, Nancy K. Jones

of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said part Y of the first part has bargained and sold and do as hereby bargain, sell, convey and confirm unto the said part Y of the second part of the following described real estate, situated and being in Memphis the County of Shelby, State of Tennessee.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Being the same property conveyed to the grantor herein by Warranty Deed of record by Instrument No. DS 4096, said Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said part Y of the second part, his heirs and assigns in fee simple forever.

And the said part Y of the first part do as hereby covenant with the said part Y of the second part that he is lawfully seized in fee of the aforescribed real estate: that he has a good right to sell and convey the same: that the same is unencumbered, except for 1996 city and county taxes, not yet due and payable;

And that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

WITNESS THE SIGNATURE _____ of the said part Y of the first part of the day and year first above written.

Darryl L. Hawkins
DARRYL L. HAWKINS

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared DARRYL L. HAWKINS

with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged to be the person _____ within named and that he executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, this 6th day of February, 19 96

My commission expires 25 day of March, 19 97

Danella D. Pitts
Notary Public

STATE OF TENNESSEE, COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$ 50,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Melanie B. Ogilvy (ug-1)
Affiant

Subscribed and sworn to before me this 6th day of February, 19 96

My commission expires 25 day of March, 19 97

Danella D. Pitts
Notary Public

The following information is not a part of this Deed.

Property Address 810 South Main, Memphis, TN 38103

Ward 012 District _____ Block 076 Parcel 00003C

Mail Tax Bill to

PROPERTY OWNER: MICHAEL E. JONES

At 6881 Water Point Cove

Memphis, TN. 38141

MT 170913

MTG 0026

4227 538

EASEMENT CONTRACT

Sh. 63967
70-27

J-2000

For and in consideration of the sum of One Dollar each to here paid to the undersigned, each other good and sufficient consideration, the receipt of which is hereby acknowledged, the undersigned, _____, going and coming with the City of Memphis, acting through Memphis Light, Gas and Water Division, and with its successors and assigns, its consent or right of way to construct, maintain and operate its electric transmission or distribution line or lines at or near the line and along the property above here bounded and stated out by the said Memphis Light, Gas and Water Division, upon, across, under and upon the following described lands belonging to the undersigned and situated in Shelby County, Tennessee, to-wit:

This easement is 8 feet wide across a parcel of land conveyed to James O. Myer by deed of record and described in book 3477, page 35 of the Register's Office of Shelby County, Tennessee.

The center line of this easement is located as follows: Beginning at a point in the north line of Virginia Avenue 1 foot east of the east line of Michigan Street; thence in a northwesterly direction 8.6 feet to a point in the east line of Michigan Street 8 feet south of the north line of Virginia Avenue.

Property located on the southeast corner of Virginia Avenue and Michigan Street.

It is now time the City of Memphis, acting through the Memphis Light, Gas and Water Division shall deem it expedient as to do it may permit the Southern Bell Telephone and Telegraph Company or its successors and their successors, its successors and assigns, to use those poles jointly with the City of Memphis, acting through the Memphis Light, Gas and Water Division, and The Southern Bell Telephone and Telegraph Company, its successors and assigns and its successors and assigns may be created the right to construct, operate and maintain its lines of telephone and telegraph poles upon the poles of the Memphis Light, Gas and Water Division of the City of Memphis, Memphis, Tennessee.

TO HAVE AND TO HOLD the above described easement and right unto the said City of Memphis, its successors and assigns together with the right of exercising all rights reasonably and properly incident to the rights hereby expressly granted.

And the undersigned, _____, hereby warrant the above described easement and right unto the said City of Memphis, its successors and assigns against the lawful claims or demands of any or all persons claiming by, through or under the undersigned.

This _____ day of _____ 1916

James O. Myer
James O. Myer

STATE OF TENNESSEE

COUNTY OF SHELBY

I, _____, Clerk of the County of Shelby, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of Shelby, Tennessee.

WITNESSES my hand and official seal at Memphis, in the County of Shelby, on this day and year first above written.

My Commission Expires _____

STATE OF TENNESSEE

COUNTY OF SHELBY

I, _____, Clerk of the County of Shelby, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of Shelby, Tennessee.

My Commission Expires _____

Notary Public

28125

Shelby Electric Co. Inc.
PO Box 157
Memphis, TN 38101

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PO Box 157
Memphis, TN 38101

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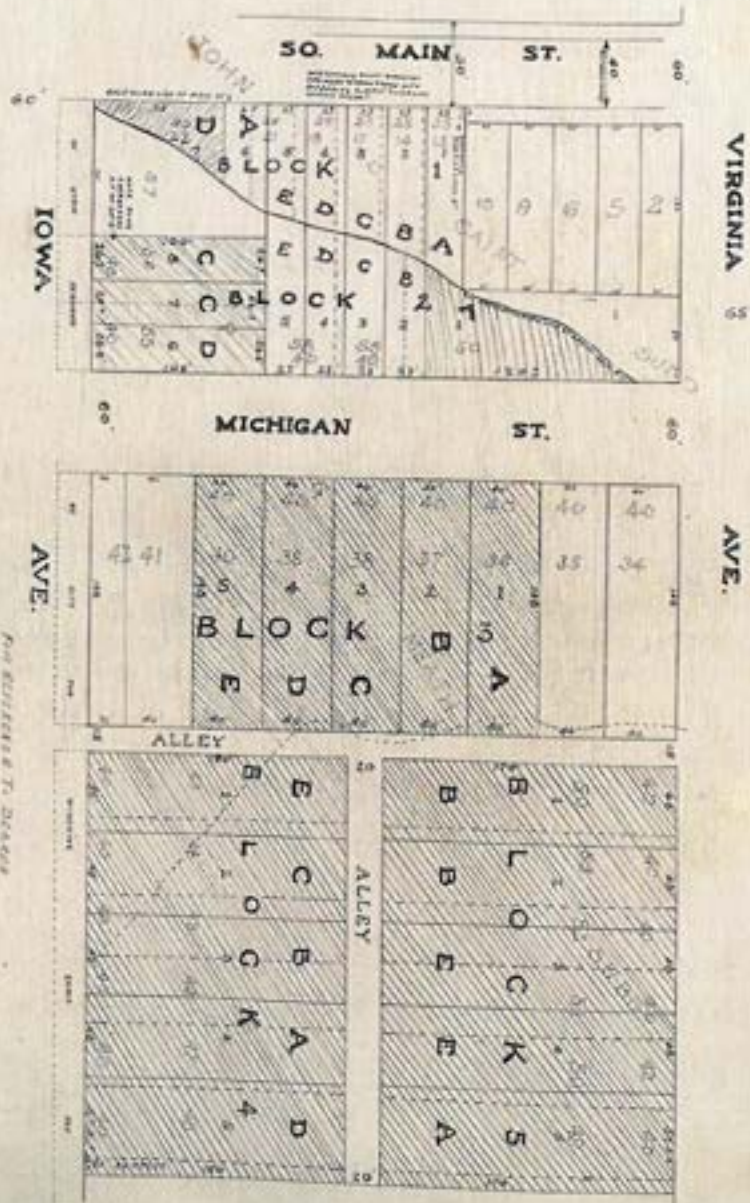
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EXHIBIT "K"
Map of the Block

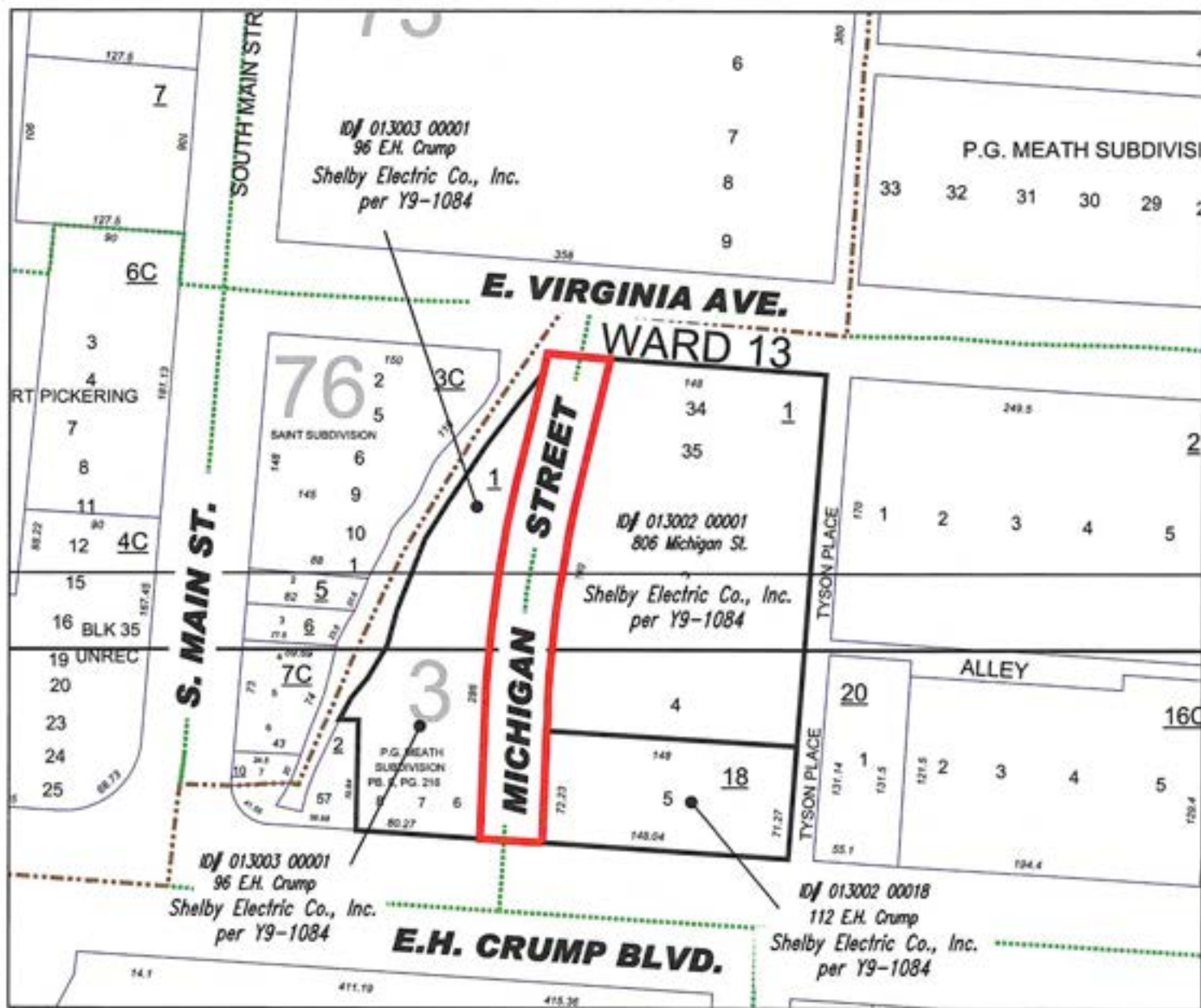


COMMISSIONERS DIVISION
OF THE P & G MEATH ESTATE

COMMISSIONERS
AT PROSS
JOHN F. GILBERT
S. B. LAMSTER

For SELLERS & T. DICKSON
Old Oak 127 1908 1910

JOHN P. CAREY
CITY ENGINEER



VICINITY MAP
(NOT TO SCALE)



**STREET CLOSURE OF
MICHIGAN STREET
BETWEEN E.H. CRUMP BOULEVARD AND EAST VIRGINIA AVENUE**

Being all that portion of Michigan Street location north of E.H. Crump Boulevard (formerly Iowa Avenue) and south of East Virginia Avenue as shown on the 'Commissioners Division of the P.G. Meath Estate' as recorded in Plat Book 8, Page 216 at the Shelby County Register's Office, City of Memphis, State of Tennessee being more particularly described by metes and bounds as follows:

Commencing at the centerline intersection of E.H. Crump Boulevard (92'ROW) and South Main Street (60'ROW); thence with a portion of the centerline of said E.H. Crump Boulevard, South 86°29'08" East a distance of 180.09' to a point; thence departing from and perpendicular to said centerline, North 03°30'52" East a distance of 46.00' to the intersection of the north right of way line of said E.H. Crump Boulevard with the west right of way line of Michigan Street (60'ROW) and being the **TRUE POINT OF BEGINNING** (TNSPC N:313257.41, E:755102.76); thence with said west right of way line of Michigan Street, North 05°49'52" East a distance of 313.65' to the intersection with the south right of way line of East Virginia Avenue (65'ROW); thence departing from said west right of way line with the easterly prolongation of said south right of way line, South 86°29'08" East a distance of 60.05' to the intersection with the east right of way line of said Michigan Street; thence departing from said south right of way line with said east right of way line of Michigan Street, South 05°49'52" West a distance of 313.65' to the intersection with said north right of way line of E.H. Crump Boulevard; thence with the westerly prolongation of said north right of way line, North 86°29'08" West a distance of 60.05' to said **TRUE POINT OF BEGINNING**.

Said described portion of Michigan Street containing 18,819 square feet or 0.43 acres, more or less.